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LOUIS FINKELSTEIN

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LOUIS FINKELSTEIN

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THE brilliant light thrown upon the Pharisees and the Sadducees by the careful studies of Geiger and Wellhausen, and their many disciples, has not completely dispelled the obscurity which surrounds the origin and being of these ancient groups. Geiger,[1] whose views have in the main been accepted by Graetz, Derenbourg, Weiss, and Klausner, conceived of the conflict between these sects as intrinsically similar to that which developed in his own day between the reform and orthodox Jews in Germany. He endeavored to show that the Sadducees were the conservative, priestly group, attached to the traditional laws and customs, and that in opposition to them there arose a liberal, forward-looking Pharisaic sect, who tried to bring about for their time and country religious changes born of the same progressive spirit as his own. To this thesis Geiger brought the support of wide erudition and a remarkable fertility of thought, weaving the Talmudic reports into his interpretation with more ingenuity than lucidity. When the plain meaning of a text would not yield to the process, he resorted to allegory, and found in a simple straightforward controversy

[1] Geiger developed his theory of the Pharisees primarily in his Urschrift, but also in He-Haluz, VI, 13–30, and in his Sadducäer und Pharisäer (Breslau, 1863). Wellhausen's main discussion of the question is to be found in his Die Pharisäer und die Sadduzäer. A mine of information on the whole subject will be found in Ginzberg's Unbekannte Jüdische Sekte (New York, 1922), a source which has been strangely overlooked by many writers on the subject. The view of Graetz is expressed in his Geschichte der Juden, III, 88 ff. (4th ed.); that of Derenbourg, in Histoire de la Palestine, I, 119 ff.; that of Hausrath, in Neutestamentliche Zeitgeschichte, I, 118 ff.; and that of Klausner, in Historia Yisraelit, II, 99 ff.

about levitical impurity esoteric references to the great political controversies that raged about the later Hasmonaeans and Herod.

The robust common sense of Wellhausen easily tore through the brilliant texture of Geiger's thesis; he had merely to ask why any sane person should have concealed plain political argument in legalistic terminology so obscure that it had baffled two thousand years of exegesis. Rejecting the relevancy of Talmudic tradition, Wellhausen turned his attention to the other sources, primarily the historical and political references in Josephus, the New Testament, and the anti-sadducean Psalms of Solomon. These records, he asserts, prove that the two groups represented two divergent attitudes toward the destiny of the Jewish people. The Sadducees were a political party, the party of the Hasmonaeans, the priests, and the reigning nobility. They stood strongly for Jewish independence, and were the bitterest opponents of Herod and the Romans. The Pharisees, on the other hand, could hardly be called a political party, for they did not believe in political action. As a religious sect, their loyalty was given first to the law and secondly to the nation. They offered no opposition to Herod, for it mattered little to them in whom the civil government was vested so long as their religious life remained unaffected. Wellhausen's views have been accepted with unimportant modifications by such writers as Schürer, Bousset, and Dubnow.[2]

While Wellhausen destroyed Geiger's elaborate theory with weapons borrowed from the non-rabbinic sources, he provided no explanation for the well-known theological and legal differences between the two groups. He ignores not only the controversies mentioned in the Mishnah, but also those for which we have the testimony of Josephus and other hellenistic writers. In reducing the Sadducees to a purely political party he ignores the fact that they did have definite views about such theological questions as the resurrection, the oral law, freedom of the will,

[2] The view of Schürer, which, while based on that of Wellhausen, marks a distinct advance over it, will be found in his Geschichte des jüdischen Volkes im Zeitalter Jesu Christi, II, 456 ff. (4th ed.); that of Bousset in his Religion des Judentums, 3rd ed., pp. 185 ff.; and that of Dubnow in his Weltgeschichte des Jüdischen Volkes, II, 143 ff.

and the existence of angels. What should a party interested only in civil government and worldly aggrandizement have cared about the ritual of the high priest on the day of atonement, and why should their leader have risked a civil war by pouring the water at the sukkot ceremony on his own feet instead of on the altar? The Pharisees, says Wellhausen, were a religious sect composed primarily of the scribes, the traditional scholars, while the Sadducees were the priestly aristocracy, interested in the independence of their priest-governed state. Does that help us to understand why the Pharisees in opposition to the Sadducees insisted that masters are not legally responsible for damages committed by their slaves? Wellhausen dismisses this question with a phrase: "This controversy requires no further elucidation; it teaches us nothing in particular, except perhaps that in some respects the Sadducees were more intelligent than their opponents" (p. 66).

There can be no doubt that Wellhausen's theory, for all its apparent cogency, fails equally with Geiger's to explain all the known facts. The one scholar establishes a theory successfully on the exclusive basis of non-rabbinic sources, but it fails when applied to the rabbinic traditions. The other gives us a theory which explains many of the controversies recorded in the Talmud but refuses to fit the information gleaned from external works.

The objections to Wellhausen's theory did not escape the careful eye of that great historian, Eduard Meyer, who reverts to the older Geiger-Graetz theory that the Pharisees were a liberal and progressive sect.[3] He agrees with Wellhausen so far as to say that the Sadducees displayed greater interest in political affairs than did their opponents, but in view of the descriptions contained in the New Testament (not to speak of Josephus and the Talmud) cannot admit that we have here nothing more than a struggle between a politically minded and secular aristocracy against a pious and thoroughly religious sect. He offers no defence of Geiger against Wellhausen's strictures, and makes no attempt to show how the Pharisaic law is expressive of true progressive tendencies.

[3] Ursprung und Anfänge des Christentums, II, 383 ff.

In his monumental work on "Judaism in the First Centuries of the Christian Era," [4] G. F. Moore summarizes both theories and the arguments advanced for them. Of Wellhausen's conception of the Sadducees he has this to say: "It gives a good explanation of the fact that the Sadducees were almost exclusively of the upper classes. But in laying the whole stress on the hierarchical and social affiliations of the Sadducees, it runs counter to the unanimous testimony of the sources. Whatever their origin, they were, in contemporaneous eyes, a religious party in Judaism, characterized by the distinguishing beliefs — or negations — which have been set forth above" (I, p. 70). These recent judgments reopen the entire question. Neither theory can be accepted as more than a partial explanation; behind them must lie concealed a single hypothesis uniting all the known controversies between the sects, the religious as well as the political, those found in rabbinic as well as those recorded in non-rabbinic sources.

The study of these ancient sects has been hampered, I think, by the failure to realize that they were in fact antagonistic social groups. Legal and theological controversies have frequently turned out to be the expression of deep-rooted sociological and economic conflicts. The controversies between the Pharisees and Sadducees seem to be something more than fortuitous quibbles about ceremonial law, just as their political differences cut deeper than the mere opposition of liberal scholars and conservative priests. So long as we regard the two parties as mere intellectual schools, we may explain one group of controversies, but not all. It is only by tracing their intellectualisms to the motives which formed their source that we can hope to discover the basic reality behind all the political and religious conflicts.

With this in mind I suggest as a working hypothesis that the Pharisees were originally an urban and the Sadducees a country group; but that gradually the Pharisees won to themselves, through their peculiar eschatological teachings and their democratic ideas, the mass of Judaean farmers, so that by the time of Josephus there were left to Sadduceanism only the wealthiest

[4] Vol. I, pp. 70 ff.

families in the nation.[5] The purpose of this paper is to show how this hypothesis, which is reinforced by some direct evidence from Josephus, explains, without recourse to tortuous ingenuity, the different theological doctrines, legal opinions, ceremonial customs, and political ideals of the two groups.

I. Evidence from Josephus

There are indications in Josephus of the urban origin of the Pharisees and the rural associations of the Sadducees. He tells us that in his day the Sadducean doctrine was accepted only by a few, "yet by those of the greatest dignity" (Ant. xviii. 1, 3).[6] By the expression "those of the greatest dignity" he certainly means, as all his interpreters have understood, the nobility of Jerusalem, which consisted primarily of the wealthy, aristocratic, high-priestly families.

These families formed an aristocracy not only of wealth but of landownership. Centuries after Josephus, wealth in Palestine still meant ownership of land. Those were not days of large industrial establishments, and while trade flourished in Hasmonaean Jerusalem, the great fortunes were still measured in terms of land. We can readily infer this from the failure of the Mishnah to provide for the collection of debts, damages, or dower from anything but land.[7] Indeed the word *nekasim*, meaning literally 'wealth,' is always used in the sense of real

[5] I take it for granted, with the other writers on the subject, that in the rabbinic sources which we now have before us the term Boethusians is used interchangeably with Sadducees. Originally it probably represented a subdivision of the group. An examination of the various passages in which the terms are used has not yet enabled me to draw any satisfactory distinction between them. Similarly, I take it that the Essenes were originally a group among the Pharisees. The importance attached to them by Josephus is doubtless due not to their numbers but rather to his admiration for them. That is why in his first passage on the subject (Jewish War ii. 8, 2) he speaks of the Essenes at disproportionate length and puts them first. In his later descriptions (Antiquities xiii. 5, 9; xviii. 1, 2) he realizes the incongruity of putting the smallest group first, and therefore mentions first the Pharisees.

[6] Compare also Ant. xiii. 10, 6, where we are told that only the wealthiest of the Jews belonged to the Sadducees. See also Abot d'R. Nathan 5 (ed. Schechter, p. 26), where there is still a recollection of the luxury of the Sadducees, who used to eat "from gold and silver vessels." Compare further Graetz, III, note 12.

[7] Mishnah, Gittin 5, 1.

property. The wealthy men of rabbinic tradition were all possessors of large estates.[8] R. Eliezer b. Hyrkanos was the son of a great landowner; R. Tarfon had huge estates; Ben Kalba Sabua, one of the three richest men in Jerusalem and the father-in-law of R. Akiba, owned enormous tracts of land.[9]

The men of wealth did not necessarily live on their estates. As in all countries at certain points of their development they were drawn to the capital. This appears from the many references in Jewish literature to absentee landownership.[10] After the defeat of Absalom, for instance, David invites Barzillai to take up his residence at the court in Jerusalem. Barzillai respectfully declines the invitation because of his age, and sends in his place his son Kimham.[11] We are told that Jeremiah, who was an inhabitant of Jerusalem, nevertheless bought an estate in Anatot.[12] The Song of Solomon makes that great king the owner of a vineyard in Baal Hamon, "which he let out to keepers."[13] We know that R. Eliezer b. Hyrkanos, who for many years lived in Jersualem, was the owner of a vineyard near Ludd.[14] The story told of his younger colleague, R. Tarfon, who was once taken for a thief by the workers on his own field, gains in meaning and probability if we suppose that he too was an absentee landowner, and that the incident which nearly cost his life took place on one of his rare visits to his estate.[15]

A peasant origin and background can well explain the extraordinary description of the Sadducees contained in Josephus:

[8] For R. Eliezer's beginnings see Abot d'R. Nathan 6 (Schechter, p. 30). Regarding R. Tarfon compare also the stories told of him in Wayikra R. 34, 16 and Jer. Shebi'it 4, 2 (35 b).

[9] Compare also the high priest R. Eliezer b. Harsom, of whom the haggadah remarks with its usual exaggeration that he owned "a thousand cities and a thousand ships," Jer. Ta'anit 4, 8 (69 a). See also Graetz, 4th ed., III, 723.

[10] See M. Lurje, Studien zur Geschichte der wirtschaftlichen und sozialen Verhältnisse im Israelitisch-Jüdischen Reiche, Beihefte zur Zeitschrift für die alttestamentliche Wissenchaft, 45 (1927), p. 16.

[11] 2 Samuel 32, 7.

[12] Jer. 32, 7 ff.

[13] Song of Solomon 8, 11.

[14] Tosefta, Ma'aser Sheni 5, 16 (Zuckermandel, p. 96).

[15] Jer. Shebi'it 4, 2 (35 b). For further examples of absentee landownership after the year 70, see Büchler, Der galiläische 'Am-ha'Ares, 34 ff.; S. Klein, Neue Beiträge zur Geschichte und Geographie Galiläas, pp. 10 ff.

"Even among themselves they are rather boorish in their behavior, and in their intercourse with their peers are as rude as to aliens" (Jewish War ii. 8, 14). The Pharisees, on the contrary, he remarks, are "affectionate to one another and cultivate harmonious relations with the community" (ibid.). We need not suppose that Josephus pays this compliment to the Pharisees because he was one of them, and maligns the Sadducees because he was opposed to them. While officially a Pharisee, Josephus was hardly a fervent partisan. Moreover, he was anxious to paint all Jews in the fairest colors. But even malice derives its force from a coloring of truth. This curious contrast of manners has all the earmarks of the immemorial difference between town and country. Frequent contact with strangers trains the city-dweller to soft speech and ready welcome, virtues which the isolated peasant cannot easily emulate. A cheerful countenance brings custom to the door of the trader or craftsman, but might destroy the authority of the landowner among his subordinates — his wives, his children, his slaves, and his employees. The one considers social ease a notable achievement, the other, sheer hypocrisy.

We may recall in this connection that the two country-bred rabbis, R. Eliezer b. Hyrkanos and R. Tarfon, were particularly noted for their lack of refinement. R. Eliezer b. Hyrkanos was wont to utter lurid curses against those who happened to disagree with him. When, for example, his favorite pupil, R. Akiba, on one occasion refuted him in argument, he shouted, "From the laws of *shehitah* (slaughter) have you refuted me, by *shehitah* may you perish."[16] The fearful words haunted the amazed disciples, who saw in the cruel and unnatural death that R. Akiba suffered many years later, during the Hadrianic persecutions, their grim fulfillment.[17] Even on his deathbed, R. Eliezer's temper did not forsake him. As he lay in his last illness, his son Hyrkanos entered to relieve him of his phylac-

[16] B. Pesahim 69 a. Both R. Eliezer and R. Tarfon were Pharisees, of course. But they belonged to a later generation, when Pharisaism had absorbed into itself practically all the Jewish population, leaving to Sadducism only the wealthiest high-priestly families. Nevertheless the peasant manners persisted among these new Pharisees. See below, p. 254.

[17] B. Berakot 61 b.

teries in honor of the approaching sabbath. R. Eliezer scolded him violently. Hyrkanos, astonished, remarked to those who stood by, "I fear that my father is delirious." "You and your mother are delirious," shouted back the enraged dying man.[18] Similar stories about him abound in the Talmud, all showing that he lacked the good breeding which was a tradition among the rabbis.[19] In the same way R. Tarfon had an incurable habit of cursing his children. "May I bury my children," was a usual expression on his lips.[20] The phrase was peculiarly his own, and so much did he shock his colleagues by his use of it that long afterwards, when Rabbi Judah the prince came to R. Tarfon's city, he asked, "Are there any descendants left of the saint who used to curse his children?" [21]

The "man of the soil" (*'am ha-arez*) was pointed out by the rabbis not only for his ignorance but for his boorishness. "Whoever marries his daughter to an 'am ha-arez," says R. Meir, "might as well bind her before a lion. Just as the lion tears his victim to pieces and then proceeds to consume him, so the 'am ha-arez beats his wife and then without shame takes her into conjugal relations." [22] R. Akiba, who had himself grown up as a peasant, is said to have remarked, "When I was an 'am ha-arez, I was used to say, Would that I had a scholar in my hands, and I would bite him like an ass." [23] In Talmudic times, no less than in our own, lack of refinement was considered characteristic of the peasantry.

Even if we were to concede what all the social evidence of the time contradicts, namely that "men of great dignity" could be products of the city, the conjunction of these two descriptions in Josephus points to one conclusion: the Sadducees were by origin a rural class.

[18] B. Sanhedrin 68 a.
[19] See Weiss, Dor Dor we-Dorshaw, II, 82 ff.
[20] Mishnah, Ohalot 16, 1; B. Shabbat 17 a, 116 a, etc.
[21] B. Baba Mezi'a 85 a.
[22] B. Pesahim 49 b.
[23] Ibid.

II. Urban Influences in Pharisaic Ceremonial Law

1. *The Sukkot Ritual*

Both Josephus and the Talmud record the controversy between the Pharisees and Sadducees regarding the sukkot (feast of tabernacles) ceremonial. The Pharisees saw especial merit in the pouring of water on the altar on each of the seven days of sukkot, and in the processions which the congregation, willow branch in hand, made about the altar on the last day. Both of these rites were opposed by the Sadducees.[24]

Moore [25] has called attention to the clear connection between these ceremonies and the doctrine that sukkot is the period of judgment for rain. We still have to explain why the ritual should have been the occasion for a sectarian controversy. For an answer to this question we must turn back to the biblical explanations of the sukkot festival.

As is well known, it was in the first place the "festival of ingathering" (Ex. 23, 16). But the Scriptures suggest that it was something more: it commemorated the divine protection under which Israel wandered in the wilderness. "All that are Israelites born shall dwell in booths, that your generations may know that I made the children of Israel to dwell in booths when I brought them out of the land of Egypt" (Lev. 23, 42).

The additional historical motive for the festival was quite superfluous for the rural population of Palestine. For them the feast of ingathering was its own justification, needing no historical background to strengthen its significance. But the historical allusion to the booths in the wilderness took the lead in the minds of the inhabitants of Jerusalem, who were remote from the joys of the ingathering itself.

Yet the historical reason does not explain why the festival should have opened on the fifteenth day of the seventh month, or for that matter on any other date. No dramatic incident was associated with the particular date of the festival. The child who asked, "Why is today passover?" was given his

[24] See below, notes 27 and 30.

[25] Judaism in the First Centuries of the Christian Era, II, 45 ff.

reply in Exodus. If he wanted to know, "Why do we celebrate shabuot today?" the Pharisees had their answer. But if, living in the city and seeing nothing of the process of ingathering, he wanted to know, "Why is today sukkot?" there was no point in the answer, "God provided booths for us when we were wandering in the wilderness." For the booths presumably were every day of the year.

The Pharisees, with characteristic ingenuity, found an answer. Sukkot occurs at the season of the ingathering, and about two or three weeks before the beginning of the rainy season. While the men of Jerusalem did not share the immediate thrill of the ingathering, they did look forward anxiously to the first rainfall. The rain was a more immediate blessing to them than to the farmer. The farmer would feel the effects of a dry year only at the next harvest; the people of Jerusalem needed the rain for their daily drink. Palestine as a whole can endure a failure of the rain for a year or even for two years. There are wells and brooks, and even perennial rivers. But from the days of Solomon to our own the water-supply of Jerusalem has been the chief anxiety of its governors. A hot summer may leave the city without water in a year of plentiful rains. A rainless winter leaves it parched, thirsty, and in despair.[26] We may well imagine how the men, women, and children of Jerusalem, who during the summer months had had to count the drops of water in their buckets, welcomed the approach of the festival that heralded the winter's rain. How easily the suggestion might occur that it is on this festival that the land is judged regarding rain. There was a mixture of joy and anxiety in the hearts of the people as they built their booths; joy that the fearful water-problem, which always occurs as the summer ends, was now about to be solved, hidden fear that their hopes might remain unfulfilled.

This conflict between hope and fear was characteristic of the Pharisaic celebration of sukkot. To win God's favor and plenty of rain they poured water on the altar during the seven sukkot days — a simple symbolical ceremony, to which parallels might be cited from the rituals of other peoples. Secondly, on the

[26] See George Adam Smith, Jerusalem, I, p. 15, and pp. 75–103.

last day of sukkot they would take willows of the brook (that one of the four plants — citron, palm-branch, myrtle, and willow — which was most clearly associated with the water), and holding them in their hands would make a solemn procession about the altar (Mishnah, Sukkah 4, 5).[27]

The celebration of the sukkot week was significantly called the "joy of water-drawing," and, say the rabbis, "he who has not seen the joy of the water-drawing, has never seen joy in his days." [28] It was not the joy of the ingathering of the fruits that filled their hearts, it was the happiness that soon water would be plentiful. The men of Jezreel and Sharon might be rejoicing in the crops of the past year; the men of Jerusalem were thinking of the rainfall of the morrow.

We can now see why the Sadducees could find no warrant for either of these customs in Scripture and opposed them as foreign innovations. True, they needed water for their crops, too, but the dominant emotion was at the moment the joy of the ingathering.[29] Perhaps the high-priestly families, who were largely Sadducean, objected to the celebration lest it rival the ceremonial of the day of atonement. But more important than such personal considerations was doubtless the feeling that the

[27] The Boethusians are credited with the opposition to the willow-ceremony, Tosefta, Sukkah 3, 1 (Zuckermandel, p. 195) and B. Sukkah 43 b. The ceremony consisted in beating the willow-twigs on the ground after the procession. The Boethusians objected most strenuously to the carrying out of the ceremony on the sabbath, because in their opinion that involved a transgression of the sabbath law without performing any part of the regular worship. Graetz is certainly correct in inferring that they had objection to the whole ceremony but were willing to tolerate it on weekdays (Graetz, Geschichte, III, note 12).

[28] Mishnah, Sukkah 5, 1.

[29] It is worth noting in this connection that for the Judaean farmer the perennial dew was as important as the seasonal rainfall. See Hastings, Dictionary of the Bible, art. 'Dew.' In the various blessings found in passages dealing with agriculture the dew is always mentioned either alone or before the rain. See, for instance, Genesis 27, 28. 39; 1 Kings 17, 1; 2 Samuel 1, 21, where the dew is mentioned before the rain. The same is true in the prayer for rain which is one of the earliest sections of the Amidah (see Jewish Quarterly Review, 1925, pp. 8, 36 f.). Compare on the other hand Joel 2, 23, where the prophet, after promising to the farmers the return of their fruits and produce and to the shepherds their grass, continues: "O sons of Zion, be glad and rejoice in the Lord your God, for he hath given you the early rain in normal measure and poured down upon you winter rain and latter rain as before."

traditional festival should not be insidiously transformed into an untraditional day of judgment.

With these facts in mind we can understand the chagrin of the men of Jerusalem when Alexander Jannaeus, deriding their custom of water-pouring, spilt the water not on the altar but on his feet. No wonder the populace, parched with the summer's thirst, anxious for the winter's rain, were angered beyond measure, and forgetting the respect due to their priest and king, forgetting their debt to the house of the Hasmonaeans, pelted him with the citrons which they had brought in celebration of the festival.[30] A mere deviation from ritual and even an offensive gesture directed at their prejudices could hardly have justified what was tantamount to a rebellion. The incident is most easily understood when we realize what the rain, and because of it the water-pouring, meant to the Jews of Jerusalem. To conform to a prejudice of his sect the king was apparently prepared to sacrifice their most urgent need, water. Small wonder that their resentment almost broke all bounds. The later rabbis, whose sense of loyalty to the monarchy was strong and who lived in other parts of Palestine, could not believe that Jews would treat their king with indignity. They therefore tell the story, but place at its centre an anonymous Sadducean high priest. It is Josephus who has kept a record of the identity of the high priest, King Alexander Jannaeus.

This explanation of the controversy between the Pharisees and the Sadducees helps to elucidate a number of other facts whose meaning would otherwise be obscure. The Pharisees inserted in the second benediction of the Shemoneh Esreh a confession of faith in the resurrection. As part of it they recited in the winter months, or more precisely from the day after sukkot till the first day of passover, the praise of God as "Him who causeth the wind to blow and the rain to descend." They did not mention this attribute in the summer.

The variation between the summer formula and that of the winter is most striking. Note that it is not a prayer for rain

[30] The incident is recorded in Josephus, Antiquities xiii. 13, 5; Tosefta, Sukkah 3, 16 (Zuckermandel, 197); B. Sukkah 48 b. These are our main sources regarding the controversy.

that is omitted. That we might understand. Rain in the summer might conceivably be harmful. It is the praise of God as the maker of rain that is omitted, yet God is the maker of rain all the time, both summer and winter.

No less strange is it that the praise of God as rain-maker should have been inserted in the second benediction. Why was it not added to the first benediction, which contains the other praises of God? The second was a controversial benediction, praising God as the one who would quicken the dead; the first contained the praises to which all sects agreed: "Blessed art thou, O Lord, our God and the God of our fathers, God of Abraham, God of Isaac, and God of Jacob, the most high God, possessor of heaven and earth." [31] It was there, if anywhere, that one would expect the additional glorification of God, "He who causeth the wind to blow and maketh the rain to descend." The second benediction reads merely: "Thou art mighty, feedest the living, quickenest the dead; blessed art thou, O Lord, who quickenest the dead." [32] What is the relation of rain-giving to the resurrection? Did the Sadducees who denied the resurrection also deny that God was the rain-giver?

These difficulties disappear in view of what has been said. The Sadducees admitted that God caused the rain to descend. That is well attested in Scripture. They objected to the Pharisaic association of rain-giving with sukkot. The Pharisees, in order to stress their view, inserted in the second benediction, which they had established, a statement that God gave rain, but recited it only from the day after sukkot till passover.[33] This was an implied declaration that on sukkot God decides whether he will give rain or not. To this doctrine the Sadducees made vigorous objection. The addition of the attribute, "who causeth the wind to blow and the rain to descend," occurred to the Pharisees only as part of their controversy with

[31] See Jewish Quarterly Review, N.S. XVI, 35, 143.

[32] Ibid., pp. 143 ff.

[33] Mishnah, Ta'anit 1, 1. The habit of omitting in summer the prayer for rain in the ninth benediction of the Amidah was doubtless a result of the extension of the principle which seemed to be implied in the limitation to the winter months of the mention of rain-giving in the second benediction. See Mishnah, Ta'anit, loc. cit., and also Mishnah, Berakot 5, 2.

the Sadducees. It could not well be added to the first benediction, which had long been established, but was inserted in the second, controversial paragraph.

It is important to note that in the closing chapters of Zechariah,[34] which were composed in Jerusalem about half-a-century before the rise of the Pharisaic group as a definite sect, sukkot is already intimately connected with the rain. "And it shall come to pass," we are told, "that everyone that is left of all the nations which came against Jerusalem shall even go up from year to year to worship the king, the Lord of hosts, and to keep the feast of tabernacles. And it shall be that whoso will not come up of all the families of the earth unto Jerusalem to worship the king, the Lord of hosts, even upon them shall be no rain. . . . This shall be the punishment of Egypt and the punishment of all nations that come not up to keep the feast of tabernacles" (Zech. 14, 16–19). The association of sukkot with rain is thus less a Pharisaic than a Jerusalemite doctrine, and its acceptance by the Pharisees points to their origin as a Jerusalem party.

The amazing prophecy in Second Zechariah of an eschatological civil war between Jerusalem and Judah seems to suggest that even before the Maccabaean wars those controversies had arisen which were later to divide the Jewish people into two hostile camps of Pharisees and Sadducees. Copyists and commentators have in vain struggled to emend and elucidate the text away from its proper meaning; the prophet sees at the culmination of Israel's history a terrible struggle between all the nations of the world and Jerusalem, and, further, Judah "shall be in the siege against Jerusalem" (Zech. 12, 2). God, loving both Judah and Jerusalem, will at first give victory to Judah, so that the men of Jerusalem may not be filled with arrogance against it, but in the end God will protect the inhabitants of Jerusalem so that the weakest among them shall be as David, and the house of David like "a godlike being, like an angel of the Lord before

[34] For the connection between this prophet and Jerusalem see the commentaries ad loc. Note particularly that the prophet, like Ezekiel before him, considers that part of the ideal future will be the breaking forth of a new spring in Jerusalem and the rise of a new river to give water to the city.

them" (vs. 8). In the course of the war the eyes of the men of Judah will be opened, so that they will say, "The inhabitants of Jerusalem are my strength in the Lord of hosts, their God" (vs. 5).

In his commentary on this passage George Adam Smith supposes that some temporary schism between the city and the country was the occasion of this strange prophecy. That seems insufficient to account for the dire prophecy of a struggle between the city and the country in the last crisis of Israel's history. Rather, it seems to me, the prophet recognizes the deep roots of the conflict between city and country, and feels that they will be removed only when the nations of the world are gathered against Jerusalem seeking its final destruction, and God himself opens up the eyes of the men of the country. They will then recognize that Jerusalem is their strength in the Lord their God. Obviously the provincials of the day questioned the orthodoxy of the men of Jerusalem. Does not this suggest that the men of the city had already adopted some of the new customs and foreign notions which the men of the country condemned as heterodox, but which were ultimately, through Pharisaic acceptance, to become the foundation of Judaism? [35]

The transformation of sukkot from a festival of ingathering into a period of judgment influenced the Pharisaic interpretation of the other festivals, pesach (passover) and shabuot (feast of weeks). In the course of time Pharisaic theology developed the theory that there are "four seasons when the world is judged: on passover for the crops; on shabuot for the fruit of the trees; on rosh ha-shanah all creatures pass before God as in a regiment; and on sukkot they are judged regarding water" (Mishnah, Rosh ha-Shanah 1, 2). This doctrine of four periods of judgment in the year is not an invention of the tannaim, it is of early Pharisaic origin. It can be traced back in the Book of Jubilees. The writer of that work, in his anxiety to please both Sadducees and Pharisees, offers a com-

[35] See below, pp. 224–231, and also Kittel, Die Psalmen, pp. 237 ff., who explains many of the Psalms as implying a bitter struggle in pre-maccabaean times between different sections of the population.

promise between the views of the two schools, and suggests that there are four days of judgment, but according to him these are not the great festivals, but rather the first days of the first, fourth, seventh, and tenth months. Obviously this is intended to satisfy the Pharisees, by granting them their four days of judgment, and the Sadducees, by making the four days not, as the Pharisees taught, the festivals but the first days of each quarter of the year.[36]

The Pharisaic influence is clear in the suggestion that the four days be called 'days of remembrance.' The expression 'day of remembrance' does not occur in Scripture,[37] but is regularly used in the liturgy for rosh ha-shanah. What was more likely to suggest to the reader that the four days are to take the place of the four 'periods of judgment' than to call them 'days of remembrance'? There is no other reason why the writer of the Book of Jubilees should have proposed four days of remembrance rather than one, and attached such importance to them. The controversy grew, it seems to me, out of the natural urban insistence of the Pharisees on sukkot as a period of judgment for rain.[38]

Another passage in the Book of Jubilees may be associated with this controversy. Abraham, we are told, sat up "through

[36] Jubilees 6, 23. Compare also my article on the Book of Jubilees in Harvard Theological Review, XVI (1923), 43 ff. The compromise character of the Book of Jubilees has not yet received sufficient attention. Its halakoth, as well as some of its doctrinal statements, seem to have as their purpose the offering of a way out of the rising bitterness between the sects. Hence the author resorts to a forced interpretation of Joshua 5, 11 and to an artificial calendar in order to fix shabuot both on a definite calendar date (as the Pharisees would have it) and on Sundays (as the Sadducees desired). In the same manner he is ambiguous about the resurrection, which was a subject of acrimonious discussion, and seeks to concentrate attention on immortality. His law of tithes (32, 9–11; compare Harvard Theological Review, XVI, 52 ff.), as well as his provisions about the purity of a woman after childbirth (3, 10–14), also seem to indicate a desire to work out a compromise between extreme views. See also below, p. 246.

[37] See however Leviticus 23, 24, where the new moon of the seventh month is called "a memorial of blowing of trumpets."

[38] Can we connect with this controversy the significant omission of the day of atonement from the list of days of judgment in Mishnah, Rosh ha-Shanah 1, 2? And can we go further and suppose that Mishnah, Shebu'ot 1, 3–5, which makes the day of atonement a season for forgiveness primarily of sins against temple purity, has at its source the ancient controversy between the Pharisees and the Sadducees?

the night of the new moon of the seventh month to observe the stars from the evening till the morning, in order to see what would be the character of the year in regard to rains" (Jubilees 12, 17). In this type of book incidents are not invented except with a particular purpose. This story seems intended to tell us that the year's rainfall is determined on rosh ha-shanah rather than on sukkot.

At any rate there is evidence in what has been said of a profound disagreement between Pharisees and Sadducees in regard to the meaning of sukkot. For the Pharisees it was the season of sacrifice, prayer, and water-rites; for the Sadducees it was the feast of ingathering and nothing more.

But, the reader will ask, did not the farmers need rain? Why then should they object to a rain ceremony?

—The answer is not far to seek. The country Sadducees, taught by their priestly leaders, looked primarily to the service of the day of atonement for the year's blessings. They believed that if the service of the day of atonement were properly carried through, God would grant all his blessings to his people. They approached the sukkot festival full of joy at the season of ingathering and strong in their faith that on the day of atonement the high priest had won for them blessings for the year. They could not share the feeling with which the parched population of Jerusalem approached the festival that was the forerunner of the blessed rains. And hence they opposed the innovation.

2. *The Sabbath Lights*

Another controversy which seems to have had at its base the difference between urban and rural habits concerned the sabbath lights. Geiger was the first to suggest that the Sadducees forbade the use of the fire on the sabbath.[39] That seems to be well substantiated. The Pharisees, on the other hand, maintained that kindling lights for the sabbath eve was not merely permitted, it was an absolute commandment. In rabbinic tradition the kindling of these lights is a Jewish woman's foremost duty and privilege. A whole chapter of the Mishnah is devoted to the rules surrounding it.

[39] See Geiger, Nachgelassene Schriften, III, 287 ff.

We may be certain that this controversy did not arise from a disagreement among exegetes as to the meaning of the verse: "Ye shall kindle no fire throughout your habitations on the sabbath day" (Ex. 35, 3). Customs create exegesis, not exegesis customs. Customs are part of life, and arise out of the conditions of daily life. Particularly was this true in ancient times, when customs were natural expressions of the popular soul, and could not be artificially imposed on it without difficulty.

A more probable explanation of this difference between the Sadducees and the Pharisees is that it arose naturally out of an everyday difference in habit between the rural and urban populations of Judaea.

The Judaean peasants, like their fellow farmers of all times and all regions, were doubtless in the habit of going to sleep immediately after dark. There was nothing else to do. Public gatherings or festivities were not easily arranged at night, since travel was difficult, and even visiting was preferably done by day. It was far otherwise in Jerusalem and other large towns. The Mishnah, doubtless recording an urban practice, tells us that on Friday nights a teacher may read with his pupils by candlelight.[40] We know that at least on one occasion the children of R. Gamaliel came home from a banquet past midnight.[41] The passover celebration usually lasted till late in the evening, frequently till midnight and sometimes past it.[42] We are informed that R. Meir (and probably others) were accustomed to deliver lectures on sabbath eves.[43] The Mishnah contemplates the possibility of a person reading the shema as late as midnight. It is interesting to note that R. Eliezer b. Hyrkanos, the native of the country, opposes this rule and limits the time to the end of the first watch.[44]

This difference of habit between city and country inevitably

[40] Mishnah, Shabbat 1, 3. [41] Mishnah, Berakot 1, 1.

[42] Mishnah, Pesachim 10, 9. See also the story told in Tosefta, Pesachim 10, 12 (Zuckermandel, p. 173) and in the passover haggadah. From the limitation put in Jubilees 49, 12 on the time for eating the sacrifice, demanding that it be completed before the passing of "a third part of the night," it would seem that the Sadducees objected to the late celebration of the Pharisees.

[43] Jer. Sotah 1, 4 (16 d). [44] Mishnah, Berakot 1, 1.

affected their methods of welcoming Queen Sabbath. The Judaean peasant, not knowing what to do with his Friday night leisure and being accustomed to early hours, went to bed as the sabbath fell. Since light could be neither kindled nor extinguished on the sabbath, nor fire used for heating or cooking, the farmer, if he wished to have his slumber undisturbed and without worry, had to put out all fires before the coming of night. The city-dweller, on the other hand, prepared to spend the evening visiting his friends, listening to a learned lecture, or reviewing the weekly portion for next morning's public reading. His last work on the weekday was to kindle some lights for the sabbath day. In time the ushering in of the sabbath became associated for one group of people with the extinguishing of what they knew to be the weekday fire, and for the other with the kindling of what they recognized as sabbath lights.[45]

The same difference prevailed regarding the day of atonement.[46] But as the day of atonement comes but once a year, the difference never rose to the status of a sectarian controversy, and the practice remained optional even in rabbinic times. The sabbath lights, however, were a matter of difference between the sects, and for that reason each group insisted on implicit obedience to its rulings.

As generations passed, and children grew up who remembered the delight of well-lit sabbath homes, the natural beginnings of the custom of kindling sabbath lights were forgotten in the reverence for their beauty and splendor. To kindle the lights became one of the highest privileges of Jewish wifehood, and the tenderest memories of the Jewish child go back to the sight of his mother, standing before her sabbath lights, transfigured in the spiritual joy of the oncoming sabbath.

3. *The Date of Shabuot*

One of the most famous of the sectarian controversies concerned the date of shabuot. The Pharisees observed shabuot on the fiftieth day after the first day of passover; the Sad-

[45] For the continual burning of the weekday fire, see Benzinger, Hebräische Archäologie, p. 96.

[46] Mishnah, Pesachim 4, 4.

ducees on the seventh Sunday after the passover week. According to the Pharisees its fixed date was in celebration of the Sinaitic revelation; the Sadducees denied it any historical significance whatever.[47] The biblical verses in which the time for shabuot is set are concededly ambiguous, and may without difficulty be strained in either direction.[48] Moreover the exact

[47] The Pharisees maintained only that shabuot occurred on the fiftieth day after the first day of passover, and that the revelation had occurred on that day. Shabuot could thus not have a fixed monthly date, since the Jews began their new months whenever the new moon was actually seen. The months of Nisan and Iyyar might both have 29 days, or might both have 30 days, or (what was most usual) one 29 days and one 30 days, the lunar period being about 29½ days. Shabuot might thus occur on the fifth of Sivan (if the two preceding months were each of 30 days), or on the sixth (if one month had 29 days and the other 30), or on the seventh (if both had 29 days). See Tosefta, 'Arakin 1, 9 (Zuckermandel, p. 543). This did not at all interfere with the celebration of shabuot as the anniversary of the revelation, for the important consideration was that the revelation occurred forty-nine days after the exodus, and it was then that shabuot was celebrated. There is considerable discussion in rabbinic sources regarding the monthly day on which the Sinaitic theophany took place. According to Mekilta, Exodus 19, 10 (ed. Friedmann, 63b; ed. Horovitz-Rabin, 211) it occurred on the sixth of the month. That is also the opinion of the Seder Olam (chapter 5, ed. Ratner, 14 a; ed. Marx, 14) and of most authorities in the Talmud; see B. Shabbat 86 b and B. 'Aboda Zara 3 a, as well as the Targum Ps.-Jonathan on Exodus 19, 16. On the other hand, some authorities held that the revelation had occurred on the seventh day of Sivan (R. Jose, in B. Shabbat, loc. cit.). This uncertainty as to the monthly date of the revelation accounts for the failure of Philo and Josephus to allude to the connection between the revelation and the festival. It would have been quite impossible to explain the situation clearly to Greeks or even to hellenized Jews. Indeed, the Mishnah itself never alludes to the fact that shabuot is the anniversary of the revelation. Yet that all its authorities held that view cannot be doubted. The antiquity of the tradition can be seen from the efforts made by the Book of Jubilees to give an historical association for its date of shabuot, the fifteenth of Sivan. The very fact that according to Jubilees 1, 1 Moses is commanded to "come up to God on the mount" in order that he may receive the tablets, indicates that the oral revelation had taken place on the previous day. See also Jubilees 6, 17. It is even possible that the Chronicler has the controversy in mind when he represents the covenant under Asa as established in "the third month" (2 Chron. 15, 10).

[48] The date of shabuot is fixed by that of the waving of the first sheaf of the wheat-harvest. According to all parties this occurred about passover time. The Sadducees maintained that the time was the Sunday of passover week, the Pharisees the second day of the passover week. For the controversy see Megillat Ta'anit, chapter 1, and Gemara, chapter 1; Mishnah, Menachot 10, 3; Tosefta, Menachot 10, 23 (ed. Zuckermandel, p. 528); baraita in B. Menachot 65 a; and compare Geiger, Urschrift, p. 139. With Geiger's theory that the Pharisaic custom was the older, compare Dillmann, Commentary on Leviticus, pp. 587–588. It must be noted here that Joshua 5, 11 seems to support the Pharisaic view.

date of the Sinaitic theophany is nowhere mentioned in Scripture. Hence there was room for both opinions on purely exegetical grounds.

Again the contrasted attitudes of town and country become evident in the significance of the festival. For the farmers of the Maccabaean age shabuot could serve as the harvest-festival, as it did for their ancestors of the Davidic and Solomonic days. No other idea could possibly have associated itself with the celebration. The joy of the harvest filled them with the desire for the festival. And the seventh week after passover was about the time of the wheat-harvest.

The inhabitant of Jerusalem was not indifferent to the question of the harvest. But he viewed the harvest from a distance; he had not ploughed nor watched the stalks, nor had he waited for it. If shabuot was to have any significance for him and above all for his children,[49] he had to find for it some other significance than its agricultural associations.

The Pharisaic leaders, scholars and scribes that they were, had doubtless long wondered why the Sinaitic theophany which alone gave meaning to the Exodus was not celebrated by any festival. The birth of Israel as a nation was marked by passover; was it possible that the incident which had established Israel as a divine people would be passed over in silence?

The Pharisees' comparative divorce from agriculture and their interest in the law thus combined to suggest the association of shabuot with the revelation on Sinai. This was the easier because the Scriptures state that Israel came to Sinai in the third month. According to all reckonings shabuot occurred during that month. It required but a short step to find in this coincidence proof that the revelation had actually taken place on shabuot and was, in spite of the inexplicable silence of Scripture on this point, commemorated by it.[50]

By this association of shabuot with the revelation, the Pharisees, or their urban predecessors, were compelled to adopt an

[49] Compare the importance given to the children's questioning with regard to passover, Exodus 13, 8. 14; Deuteronomy 6, 20.

[50] It is interesting to note that the American festival of Thanksgiving, originally a harvest-festival, has now become an historical holiday, commemorating chiefly the virtues of the Pilgrim Fathers.

interpretation of the scriptural verses which gave the festival a fixed calendar date. The country party could see no reason for this new tradition. They found no authority for it in Scripture and denounced it as pure imagination. To emphasize their view, they denied the validity of the interpretation which gave shabuot a fixed calendar date, and maintained that therefore it could not possibly be the anniversary of anything.

4. *The Red Heifer*

The peculiar manner in which the urban outlook of the Pharisees affected their legal and theological doctrines is well illustrated in their famous controversy with the Sadducees about the preparation of the red heifer.[51]

The ceremony of the red heifer was one of the most picturesque of the high-priestly functions. So highly was it regarded, that although the Scriptures provide that it be performed by one of the subordinate priests — Eleazar, the son of Aaron, not Aaron himself, is designated for it — yet the high priests arrogated it to themselves. According to rabbinic tradition only seven of these heifers were sacrificed during the whole period of the second commonwealth, and we know that after the fall of the temple the last ashes were preserved by the Jews with great care and were still used as late as the third century.

The purpose of this strange observance was to purify anyone who had come in contact with a dead body. According to the levitical law such a person was to be impure for seven days. In order that he might be ritually clean at the expiration of that time, he had during the period to be sprinkled with water in which were mixed ashes of the red heifer. The heifer whose ashes were to be used for this process was carefully selected and watched from birth lest any blemish make her unfit for use. She could easily become contaminated; if she knew the yoke, or if she grew two black hairs, she ceased to be fit for the sacrifice.

There was much ado about the place of slaughter and burn-

[51] The controversy about this matter is described in Mishnah, Parah 3, 7; Tosefta, Parah 3, 7–8 (Zuckermandel, p. 632).

ing, about the manner of leading her there, and about the care of the ashes to prevent their contamination.

The controversy between the Pharisees and Sadducees was about a detail in the observance. The law requires that the priest who prepares the red heifer shall be levitically pure. But what is meant by 'pure'?

If a man has touched the carcass of a dead animal he is, according to Leviticus 11, 28, "unclean until the even." The verse says nothing about the necessity of his bathing. On the other hand we are told somewhat later that if anyone touches a person "that hath an issue," he must "bathe himself in water and be unclean until even" (Lev. 15, 7). The same law applies to a man who has had sexual intercourse (Lev. 15, 16). The rule was made uniform by early exegesis, which seems to have required a ritual bath for all manner of impurity that lasted "till even."

The scriptural verses imply that the effect of the bath comes only with nightfall, and that till then the status persists in which the person had been before bathing. The Pharisees, however, maintain that this is not the correct interpretation of the law. They insist that the bath (*tebillah*) serves to mitigate the impurity, though it does not completely remove it. The person who has bathed may not enter the temple, nor may he eat of the sacrifices or even of the heave-offering (*terumah*), but he may come into the "camp." He ceases to spread impurity to others, and may therefore take part in the general communal life.[52] He may eat of the tithes, whose degree of holiness is less than that of the heave-offering. Finally, they say that if he be a priest he may take part in the sacrifice of the red heifer, which is carried out on the Mount of Olives,[53] although, being unable to enter the temple, he cannot take part in any other sacrifice.

The Sadducees denied that a man who had "bathed from his impurity" but "upon whom the sun had not set" (that is, who was still within the first day of his impurity) could sacrifice the

[52] Mishnah, Zabim 5, 12; see also Maimonides, Yad, Hilkot Abot Ha-Tumot, chapter X.

[53] Mishnah, Parah 3, 6.

red heifer. They maintained that only a priest who was entirely pure, who had bathed himself from his impurity, if he had any, and had waited till the setting of the sun for complete purification, could offer the sacrifice.

It would seem that the controversy is about a matter of unimportant ritual detail. But for the Pharisees it was apparently of great consequence. So insistent were they on the correctness of their own view that they would compel the high priest who was about to perform the sacrifice of the red heifer to enter into a state of impurity, in order that he might bathe from it and then by carrying out the sacrifice before the setting of the sun testify to his acceptance of their interpretation.[54] Jewish commentators on the Mishnah find some difficulty in explaining this strange perversity of the Pharisees.[55] For what could possibly be gained by making impure a priest who was pure? All agreed that a pure priest could perform the sacrifice legally. There was some question — and in view of the literal meaning of the biblical verses serious question — whether a man who had bathed from his impurity but was still within the day of his defilement could offer the sacrifice. Since the red heifer was sacrificed only about once in a half-century, no great harm could have resulted if its performance were delayed till the high priest could perform it in such a manner as to satisfy the most exacting. But granting that the Pharisees were certain that their interpretation was correct, why should they compel the pure high priest to defile himself? This astonishing obstinacy is hardly in keeping with the urbanity for which Josephus praises them.

Furthermore, we are told that one high priest, Ishmael b. Phiabi, accidentally prepared the red heifer in a state of complete purity. The Pharisees, who had neglected to make him impure, insisted that the ashes, prepared with such diligence and at such cost, be strewn and wasted, and another heifer prepared in accordance with their lenient views.[56] Finally, there is the story that R. Johanan b. Zakkai, the man of peace and quiet, the disciple of the great compromiser Hillel, never-

[54] Mishnah, Parah 3, 6.

[55] See Mishnah Aharonah ad loc.

[56] Tosefta, Parah, loc. cit.

theless lost all his usual tolerance when he found that the high priest of his day was preparing to sacrifice the red heifer without previous defilement. "My lord high priest," he said to him, "how much the high-priesthood becomes you! Will you not step in and bathe only once before performing the sacrifice?" The high priest, moved by those kindly words, proceeded to bathe, although, being quite pure, that was not necessary. As the priest returned, R. Johanan, still dissatisfied, approached him, and nipped his ear in such a way that he was considered a man "with a physical blemish" and unfit to perform any priestly service.[57] That R. Johanan should thus resort to physical force to prevent a practice which the Pharisees did not consider objectionable but merely unnecessary, seems incredible if we suppose that the matter rested on nothing more than a scholastic controversy.

But a consideration of the urban status of the Pharisees throws a new light on the whole situation. The laws of impurity, applying only to frequenters of the temple, did not fall heavily on the agriculturists.[58] None of them became pure except at the festival periods when they came to the temple for the pilgrimage.[59] Since more of them came to Jerusalem for passover than for other holidays, the weeks preceding it were the occasion for general purification.[60] Nor did the laws fall severely on the priesthood, who, living at the temple, could avoid contamina-

[57] Tosefta, Parah, loc. cit.

[58] This doubtless is the origin of the law declaring the 'am ha-arez (originally the farming population) unclean. Their clothes were unclean in comparison with those of the Pharisees (Mishnah, Ḥagigah 2, 7). Since their ancestors had never observed the laws of purity, the peasantry resisted the attempt of the later rabbis to enforce these laws among them. Hence they are to be suspected of impurity (compare, for example, Toharot 7, 2–5). For an understanding of the true status of the 'am ha-arez it is important to remember that originally he was suspected of being lax only in regard to two laws, that of purity and that of tithes (Büchler, Der galiläische 'Am-ha'areṣ, pp. 5 ff., 41 ff.). The laws of purity were not observed outside of Jerusalem in early times for reasons which have been explained. The tithes were not paid by the farmers because they felt themselves unable to give so large a proportion of their produce.

[59] It is to be borne in mind that according to the interpretation put on the laws of purity in the second commonwealth the impure person suffered no other disability than to be prohibited from coming into sacred precincts, such as the temple or, in cases of more severe uncleanness, the city of Jerusalem, and from eating holy food, such as sacrificial meat or terumah.

[60] Mishnah, Megillah 3, 4, and commentaries, ad loc.

tion. They did bear hard on the inhabitants of Jerusalem. These artisans and traders sold wine and grain for use at sacrificial meals, vessels for their preparation, priestly apparel, and other necessaries of life. In order not to defile their possessions they had to remain in a state of purity. Moreover many of them doubtless ate of the second tithe, which the farmers, in accordance with the law, brought to Jerusalem during the larger part of the year. In defilement this holy food was forbidden to them. A citizen of Jerusalem who found himself impure with a major impurity — and that meant not only every time he happened to touch an unclean vessel or attend a funeral but also whenever he had been with his wife — was literally barred from his own home. If, in a state of impurity, he used a knife, the knife became impure, and thereafter the knife would make impure any food with which it came into contact. If he touched an earthenware vessel, it became incurably impure. If he touched the earthen stove, that became impure and had to be broken in pieces. The neighbors with whom he shared it would obviously not let him approach the stove; he himself would not dare do so, for, if the stove became impure, the people who came to Jerusalem for the festivals would be forced elsewhere for lodging and food.

The observance of the levitical laws of purity by the masses in Jerusalem was made possible through an interpretation which aimed to remove this difficulty. It was held that after a person had bathed from a major impurity he still remained unclean till the evening — in accordance with the literal word of Scripture — yet not in the original degree of being able to impart impurity to household utensils, but in the lesser degree of merely being barred from the temple and sacrificial meat.

This is the Pharisaic conception of *tebul yom*, a man who has bathed (*tabal*) from impurity but has not yet ended the day for which he is condemned to levitical uncleanness.[61]

This law did not affect the country people at all, since they did not observe the laws of purity in their homes. During the passover week they could easily remain in a state of complete purity. Nor were the priests — the other group of Sadducees

[61] See note 52.

— affected by it. For they were still barred from the temple and from the terumah until the sun had set on the day of their impurity. As for their contact with the lay population of Jerusalem, they must have accepted the Pharisaic ruling, since all the lay population of Jerusalem lived by it. To have rejected it would have meant starving themselves and making the temple services impossible. This is apart from what Josephus tells us of the power of the Pharisaic populace to enforce its will on the Sadducean nobility and priesthood.[62]

Only at the ceremony of the red heifer were the Sadducean priests embarrassed by the Pharisaic ruling. They had accepted the Pharisaic shabuot as a temple holiday; they offered the incense on the day of atonement in accordance with Pharisaic teachings. In these matters there was a clear variation of custom. But where their views were more stringent than those of their opponents, they thought it unreasonable that they should be compelled to act against their conscience. They found no warrant for the underlying conception of *tebul yom* in Scripture, and it seemed to them that it had been purposely created to meet a difficulty in observing the law. Moreover a conscientious Sadducee could not readily agree to what he considered a defilement of the ashes of the red heifer, for that would make them ineffective and would nullify all future purifications performed with them.

The Pharisees could not agree to the Sadducean requirement that the priest officiating at the red-heifer ceremonial be completely pure. The sacrifice was performed not in the temple but on the Mount of Olives, and the only justification for absolute purity would have been a rejection of the Pharisaic doctrine of *tebul yom*. But how could the urban Pharisees abandon a teaching which alone made it possible for them to live a normal life?

The Pharisaic opposition to the Sadducean severity was thus not a matter of perversity at all; it was a question of clear necessity. In a Jerusalem which had become a large metropolis it was impossible without some mitigating interpretation to

[62] Antiquities xviii. 1, 4 and Tosefta, Yoma 1, 8 (Zuckermandel, p. 181); Jer. Yoma 1, 5 (39 a); B. Yoma 19 b.

maintain a law according to which the larger part of the population daily became defiled. The only logical arrangement was that proposed by the Pharisees, which resulted in a widespread custom of bathing each morning to wash away any impurity. This habit we find exemplified in Judith,[63] who bathed each morning while she was in the camp of the enemy and so unable to avoid touching their impure vessels and other utensils. We know from rabbinic sources that there was a whole sect of Morning Bathers (*toble shaharit*).[64] The advantages which this interpretation gave to the citizen of Jerusalem were such that he could not surrender them. The only occasion when he was called upon to defend his doctrine was at the ceremony of the red heifer, and it was then that he insisted on the acceptance of his interpretation.

5. *The Purification of the Menorah*

"On one occasion," the Talmud tells us, "the menorah [the candelabrum in the Temple] had to be purified. The Sadducees who saw the procedure mocked, saying, 'Look at the Pharisees who are about to bathe the orb of the sun!'" [65] Neither the Talmud nor the writers on the subject have any definite record of a controversy that would have justified the Sadducees in laughing at the Pharisaic lustration of the temple candelabrum. Merely to remark that the Pharisees were more stringent in their observance of levitical purity than the Sadducees does not help us much, for we know that at least in some respects the Sadducees were more rigorous.[66]

But the story is illuminated by the tradition, handed down in the Jerusalem as well as the Babylonian Talmud, that "Simeon b. Shetah decreed that the laws of impurity should apply also to utensils made of metal." [67] We are further in-

[63] Judith 12, 8.

[64] Tosefta, Yadaim 2, 20.

[65] Tosefta, Hagiga 3, 35 (Zuckermandel, p. 238). See also Jer. Hagiga 3, 8 (79 d).

[66] Mishnah, Yadaim 4, 7.

[67] Jer. Ketubot 8, 11 (32 c). The same baraita is cited in B. Shabbat 16 b. There the following question is raised: By common consent the impurity of metallic utensils was recognized as biblical; how then could a baraita make it originate with Simeon b. Shetah? The Talmud in its usual fashion makes a formal reply to the objection. But

formed that he was also the sponsor for a decree bringing glassware under the laws of impurity.[68] We might suppose a priori that the Sadducees would refuse to accept a decree of Simeon b. Shetah, especially when even according to him it was not based on biblical law or precedent but was merely an order of the Sanhedrin, which he controlled. But all doubt about the matter is removed by the incident which we have just cited. The Sadducees laughed at the Pharisaic purification of the menorah, because they held that being of metal it could not become levitically impure.

What were the conditions that lay behind this controversy and Simeon b. Shetah's ordinance?

The Scriptures in their various regulations about ritual purity speak of utensils made of wood, hides, cloth, and clay.[69] There are no provisions regarding metallic household articles. The reason for this is simple. In early times Jews did not use metal articles in their houses. The temple, and perhaps the king, had gold, iron, and bronze dishes of various types, but not the rest of the people. Metal was expensive, and household arrangements in ancient Judaea were primitive. As time passed, the richer classes probably provided themselves with such luxuries as knives and metal cups. In time even glass, the most expensive of all articles in Judaea, might be used by some of the nobility. But among the artisan and trading masses all these remained unknown.[70]

Since the Scriptures provided no law for the impurity of these metal and glass utensils, they were touched by the impure

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there can be no doubt of the accuracy of the tradition before us, since it was known to both Palestinian and Babylonian authorities.

[68] Jer. Ketubot, ibid.; compare B. Shabbat 15 b. The first attempt to establish the ordinance may have been made by Jose b. Joezer, but the actual enforcement of it must have waited for Simeon b. Shetah.

[69] For the scriptural laws on the subject see Leviticus 11, 32 ff.; 15, 12 ff.; Numbers 19, 14 ff.; 31, 20; and 31, 21–23. The only passage that mentions metallic substances is the last. That passage, however, does not seem to refer to the purification of utensils that have been levitically defiled; it deals with the specific instance of vessels taken from the heathen. That it could not have been interpreted to refer to levitical impurity is clear from the command to "pass through fire" all the vessels which can bear that treatment. Lustration consists of immersion in water.

[70] See Benzinger, Hebräische Archäologie, pp. 70–71, and Krauss, Talmudische Archäologie, I, 58–75.

without compunction, and without any lustration. When Simeon b. Shetah came to power in the reign of Queen Alexandra, it was apparently his determination to compel the nobility to observe the same laws of purity as the rest of the people. Hence Simeon b. Shetah moved the Sanhedrin, which for the time he controlled, to ordain that the laws of impurity should apply also to glassware and metal utensils. The decree was doubtless opposed by the Sadducees as an innovation, and particularly as an innovation directed against their use of glass and metal dishes.[71] On the other hand the rule did not fall heavily on the masses of Jerusalem, for the ownership of metal articles and glassware was rare among them. But, if obeyed, it tended to bring within the law of purity those men also of wealth and standing who were likely to escape it by using these materials, which according to ancient custom were outside the range of impurity.

6. *Reverence for the Holy Books*

Another controversy between the Pharisees and the Sadducees that is most easily explained on our hypothesis is the law about the impurity resulting from physical contact with the holy books. The Pharisees declared that the hands of a person who touched holy books became impure and would pass on the impurity to any food unless they were washed.[72] The Sadducees denied this. Said the Sadducees to their opponents: "We complain of you, Pharisees, that you say the Holy Scriptures make the hands unclean while the works of Homer do not make the hands unclean." R. Johanan b. Zakkai, as spokesman for the Pharisees, answered with his subtle irony: "Is this all that we have against the Pharisees? Why, they say that the bones of an ass are pure, while the bones of Johanan the high priest are impure." The Sadducees, who admitted that human

[71] Compare Mark 7, 4.

[72] This is recognized as a special form of rabbinical impurity, which even the Pharisees admitted had no basis in Scripture. The man remains pure except for his hands, which must be washed before coming in contact with any food, lest the food become impure through them. Significantly the Pharisees did not declare impure the vessels which the hands might touch.

bones spread impurity while animal bones did not, replied: "According to our reverence for the objects is the law of impurity regarding them. Human bones are impure in order that a man may not make spoons out of the bones of his parents. . . . That is also the reason for the impurity of the Scriptures. The holy books which are revered make the hands impure, while the works of Homer, which are not revered, do not make the hands impure.[73]

Geiger supposes that the reason for the Sadducean refusal to recognize this law of impurity was that they retained the old doctrine that contact with a priest or with some holy article sanctified a person.[74] We must bear in mind that many of the Sadducees were priests. Consequently it naturally occurred to them that if contact with holy books were to defile the hands, their own status might suffer. Wellhausen has shown how far-fetched this argument is.[75] On the other hand we cannot agree with Wellhausen that there is nothing more to be said about the argument than what we are told in the Mishnah. After all, why did the Sadducees decline to accept this law about the emanation of impurity from holy books? If the law was valuable, it would seem that all should have accepted it. If not, why did the Pharisees propose it?

The explanation must be found in the cultural differences between the Pharisees and the Sadducees. The culture of Judaea was concentrated in Jerusalem. The country people were not skilled in the learning of the day, which was the national literature, the Scriptures, and the national laws, the traditions. That is why almost all of the scribes were of the Pharisaic persuasion. There may have been Sadducean judges as there were Sadducean priests, but there were no Sadducean savants. We know from a number of Talmudic stories how little book-learned were the peasantry of earlier days. When R. Eliezer b. Hyrkanos, from a wealthy country home, came to Jerusalem at the age of twenty-eight, he confessed in tears that he had never read the Shema or the prayers, or said the grace.[76] How

[73] Mishnah, Yadaim 4, 6.

[74] Geiger, Urschrift, p. 146.

[75] Wellhausen, Die Pharisäer, p. 64.

[76] Abot d'R. Nathan, chapter 6 (ed. Schechter, p. 30).

different from R. Johanan b. Zakkai and R. Joshua b. Hananya, the one a prosperous merchant,[77] the other a poor artisan,[78] yet both of them brought up from their youth on study and learning. We are told that the high priest, who was always a member of the nobility, was frequently unable to read the Scriptures.[79] It was not without reason that the term 'am ha-arez, literally 'people of the soil,' came to mean ignoramus. It was only in the last years of the commonwealth that Joshua b. Gamala took steps to introduce into the country some general system of public education.[80]

The Pharisees, on the contrary, held instruction in reading and writing in high reverence. Levi in his Testament is made to command his children: "And do ye also teach your children letters, that they may have understanding all their life, reading unceasingly the law of God" (Test. Levi 13, 2). Even more is the subject stressed in the Book of Jubilees, where we are told that Enoch, the greatest of the antediluvian patriarchs, "was the first among men that are born on earth who learned writing and knowledge and wisdom, and who wrote down the signs of heaven according to the order of their months in a book" (Jubilees 4, 17). Arphachshad is described as having taught his son writing (Jubilees 8, 2), and in contrast to Esau, who refused to learn, "for he was a man of the field and a hunter, and he learned war and all his deeds were fierce," Jacob is said to have learned to write (Jubilees 19, 14). Esau, the man of the field, who learned war, is clearly painted from the average contemporary farmer Sadducee, while Jacob, the student, is the good urban child.

Lovers of books, the Pharisaic leaders could not abandon them to the doubtful care of their owners. Some additional protection had to be provided for them. The obvious method

[77] Sifre, Deuteronomy, 357 (ed. Friedmann, 150 a).

[78] B. Berakot 28 a.

[79] Mishnah, Yoma 1, 6.

[80] B. Baba Batra 21 a. We know also that Simeon b. Shetah was the person mainly responsible for the establishment of a school system in Jerusalem (Jer. Ketubot 8, 11, 32 c). It speaks volumes for the Pharisaic love of learning that as soon as they obtained authority in the state (under Queen Alexandra) they took care to institute a system of public education.

would have been to require a person to wash before touching the Scriptures. But such an ordinance might have interfered with study. A more rational method was to declare impure the hands that had come in contact with books. The frivolously curious might be deterred by the regulation, but not the serious scholar.

The Sadducean priests and country people saw no reason for this innovation. Books meant little to them as treasures, and while they revered the law as such, they did not realize what harm comes to books from continual use. They could therefore see in this rule only a degradation of the Holy Scriptures, rather than a means of protecting them.[81]

[81] The other known controversies between the sects regarding religious ceremonial were (*a*) that dealing with the meal-offering to be brought in connection with animal sacrifices, the Sadducean priests insisting on eating these offerings in spite of Pharisaic objections to the practice (Megillat Ta'anit 8, scholion); (*b*) that dealing with the right of an individual to make a voluntary offering of an animal to be used for the public sacrifice, the wealthy aristocratic Sadducees maintaining that it might be done, the democratic, urban Pharisees denying it (B. Menahot 65 a, scholion to Megillat Ta'anit 1, 1); (*c*) that relating to the laws of 'niddah,' concerning which our information is inadequate (see Mishnah, Niddah 5, 2; but compare Tosefta, Niddah 5, 3 and B. Niddah 33 b); (*d*) that dealing with 'erub,' regarding which also our information is incomplete (see Geiger, He-Haluz, VI, 15, who maintains that the Sadducees denied the law of 'erub' and therefore would not carry from the house into the court even though there were an 'erub,' and Ginzberg, Unbekannte Jüdische Sekte, 192 ff., who maintains, rather, that the Sadducees did not at all prohibit carrying into courts and alleys); and (*e*) that dealing with 'nizoq,' regarding the meaning of which there is similar confusion. See Mishnah, Yadaim 4, 7, and commentaries there; Geiger, Urschrift, p. 147, maintains that the legalistic discussion is in reality an allegory for an argument regarding the right of the Herodians to the kingship; Leszynsky, Die Sadduzäer, pp. 38–43, interprets 'nizoq' as 'honey'; Zeitlin, Jewish Quarterly Review, N.S., VIII, 67 ff., maintains that the discussion is about the liability of vegetables still attached to the soil to acquire impurity. With some hesitation I offer the suggestion that by 'nizoq' the Mishnah means 'aqueduct,' but the discussion of the matter would take us too far afield. I agree with Wellhausen (p. 61) in rejecting as a gloss the passage in scholion to Megillat Ta'anit where we are told that the Pharisees and Sadducees disagreed (*a*) about the lex talionis, the Pharisees rejecting its literal interpretation and the Sadducees accepting it, (*b*) about the proof of virginity in cases arising under Deuteronomy 22, 13, the Sadducees again taking the verses literally and the Pharisees interpreting them figuratively; and (*c*) regarding the laws of 'halizah,' where the Sadducees are again described as literalists and the Pharisees as liberal interpretationists. Aside from the clear stylistic marks which point to its being a late interpolation, there is a difference of opinion among the tannaim about two of these matters (see the view of R. Eliezer about the lex talionis in B. Baba Kamma 84 a, and that of R. Eliezer b. Jacob in Sifre, Deuteronomy, 237); it seems hardly possible that there should have been a dis-

III. The Civil Law of the Pharisees

One of the most fundamental influences of the ancient city on its inhabitants was the development of their individual self-consciousness. Ancient society was far more solid than our own; indeed its individual constituents believed it to be more important than themselves. Men were ready to sacrifice their lives for the community without questioning whether through their sacrifice any good would come to any other individual. The community was a deeper reality than the individual: it was an end, he but a means; it was eternal, he but transient. The basis of morals and ethics was the social will. The laws were conceived as having been given by God to the social whole, and the responsibility for the evil deeds of its members lay upon the community.

In destroying this conception of the community as the ultimate purpose, a number of agencies coöperated. Chief among them were those closely related to city life. Commerce, artisanship, education, mingling with strangers—all of these are sophisticating forces which in ancient times helped to break down the provincialism and naïveté that alone could protect the traditional belief in the group as more important than its individuals.[82] In the country, where each farmer lived at a distance from his neighbor or at best in the community of a few equally ignorant peasants, the lord of the house might maintain the fiction of his own infallibility and power. In a city this could not be done, for his wife and children continually came in contact with those before whom he cringed and bent the knee. More important than this social influence was the economic

agreement between the Pharisees as a sect and the Sadducees about these points. The interpolator clearly supposed that the Sadducees were literalists and the Pharisees interpretationists, and built his report of the alleged controversies on that basis. Geiger maintains that there was another controversy between the Sadducees and the Pharisees regarding impurity after childbirth. According to him the Pharisees considered the blood that issued after the days of major impurity (seven for a male child, fourteen for a female child) pure, while the Sadducees maintained that this blood was still impure, and thought it was a means of purification (see He-Haluz 5, 29 and 6, 28 ff.). But Ginzberg has shown that there was no such controversy between the sects (notes on Geiger's Kebuzat Ma'amarim, p. 385, and Unbekannte Jüdische Sekte, p. 191).

[82] See Dewey and Tufts, Ethics, pp. 78–80.

fact that in the city the children easily became economically independent of their father, and the wife might even support herself without the help of a husband. This was obviously impossible on a farm, where the tools of production — the soil, the cattle, the ploughs — all belonged to the husband and father.

In a city one even began to doubt the absolute authority of the nation or tribe. The townsman met persons from other nations, and realized that other nations had other customs by which they lived well and happily. The merchants with whom one conversed at the urban bazaars were frequently men of considerable experience and wide travel, and were practically internationalist. It was inevitable under the circumstances that the city man should be more skeptical of the divine right of his nation than the farmer.

This close connection between the conflict of rural and urban conditions and that of the individual and the community helps to explain a number of controversies between the Sadducees and Pharisees. An examination of the differences which yet remain to be considered shows that almost all of them centre about the discussion of the rights and responsibilities of the individual, and that in every one of these disputes the Pharisees are the individualists and the Sadducees the defenders of the older ideal of the social whole.

1. *The Law of Slaves*

In the civil law the Pharisees' bias in favor of the individual was expressed in their rule freeing a master from responsibility for damages committed by his slave. The Sadducees held that a slave-owner must make restitution for the depredations of his slave just as for those of his ox; the Pharisees denied this, and left a person injured by a slave without redress.[83]

It is obvious that in any slave-owning community the Pharisaic rule would work grave injustice. If the master of a slave is not held responsible for damages done by him, he will not be likely to discipline him. And in that case there will be no way

[83] Mishnah, Yadaim 4, 6.

of preventing slaves from ruining a person against whom they may bear a grudge. A judicial rule freeing the master from liability for damages done by his slave could be only a theoretical law. We can readily understand why the Sadducees bitterly opposed such a legal maxim. The Pharisees' advocacy of it becomes intelligible if we suppose them to have been primarily an urban group. Except with the rich landowners slaves seem to have been rare in Jerusalem.[84] Artisan communities cannot readily use slave labor. The ancient craftsman, before the machine age, worked with his hands, but the product was as much the result of his mental as of his manual labor. Whoever bought an article from him or brought something to him to be refashioned wanted the benefit of his personal skill, and would not willingly entrust the commission to a slave. In the small markets and bazaars a slave would have helped little. In the city, therefore, the slave could at best do only household work. In the country, on the other hand, he could be of great value in working on the estate. Hence the urban Pharisees could afford the luxury of a theoretical law about slaves, for so far as they were concerned slaves did not exist.

In making their law they were moved, as was recognized long ago by Finn,[85] entirely by a desire to express in a judicial manner their respect for the slave's personality. They would not have sacrificed to an abstract idea of this type any recognizable social need. But since for them slavery was hardly more than theoretical, they felt that they could hold the master not responsible for the acts of the servant.

The Sadducees are reported to have said to the Pharisees in the discussion of this question: "If I am responsible for damages done by my ox and my ass, for whose observance of the ritual law I am not responsible, how much more must I be responsible for the damages done by my manservants and maidservants, for whose observance of the ritual law I am responsible." To this the Pharisees replied, "No; you are right in making a master responsible for damages done by his ox and ass, because

[84] See Krauss, Talmudische Archäologie, p. 84. Compare what is said below about the conception of slavery in Ben Sira and in contemporaneous urban works.

[85] Samuel Joseph Finn, Dibre Ha-Yamim libne Yisrael, II, 206.

these animals have no mind, but how can you make him responsible for damages done by the manservant or the maidservant, who have minds of their own?" [86]

The argument shows clearly that the Pharisees based their rule on their recognition of the moral responsibility of sentient beings. The slave has a mind of his own; to make the master responsible for him is a derogation of his human individuality. True, he has no property, and therefore his victim cannot collect from him; and if the master is also freed from responsibility the damages cannot be made good. Yet that, the Pharisees felt, is not so harmful as would be the enactment into law of the conception that slaves are inferior beings and morally irresponsible. Their respect for the dignity of man as *homo sapiens* made it impossible for them to countenance a law which would make one man answerable for the deeds of another. The Sad-

[86] Mishnah, Yadaim, loc. cit. The mishnah ends with a peculiar phrase which seems to hang in the air, both grammatically and logically: "For if I vex him, he will kindle some one's stack of grain and I shall be obliged to pay." This additional argument has nothing to do with what goes before and is not connected with it by any form of conjunction. Moreover there is no logical basis whatever for such an argument, for the owner might equally well fear that the slave in anger would destroy his own heap of grain with another's. It is the master's discipline that prevents the slave from wreaking vengeance on him by destroying other people's property. Surely that would be better than permitting a slave who did damage to go about unscathed. Moreover the same argument is mentioned in B. Baba Kamma 4 a, but in slightly different phraseology. From this fact, taken together with the loose connection both in thought and syntax between the additional clause and the main body of the mishnah, we may conclude that this argument was added at a later time. It probably dates from a period when the Jews had returned to agricultural life in larger numbers, and the original argument of the mishnah no longer satisfied them. They then invented a new, and less logical argument, which might serve as an excuse for the law, if not as a valid reason for it. It is noteworthy that the difficulties involved in the argument presented by this final clause were remarked by the mediaeval commentators on the Talmud. Asheri well sums up their point of view when he declares that the reason given in the mishnah was not intended to be taken seriously, and that the Pharisees were only mocking the Sadducees in suggesting it (see commentary of Asheri on Baba Kamma 4 a, cited in Shittah Mekubbezet, ad loc.). It is also important to bear in mind that the law became so difficult to enforce in a slave-holding community, such as Babylonian Jewry was, that R. Nahshon Gaon, in the seventh century, changed it by permitting the court to have any slave flogged who had committed a depredation against the property of a freeman (see Pardes, Constantinople ed., 24 d, and Warsaw ed., 60 a; cited also in Takkanot ascribed to R. Gershom, printed in Res. of R. Meir of Rothenburg, Prague ed., 1608, section 1022, and elsewhere; published in my Jewish Self-Government in the Middle Ages, p. 201).

ducees, who had little regard for individuals as such, but had large properties at stake in such rulings, vigorously opposed this decision. It was well enough for the Pharisees to indulge in fancies about individual rights, for they had no slaves and no land which the slaves might injure. The Sadducees were wealthy men, with large tracts of land exposed to slave depredations. They could control their own slaves, but how could they control their neighbors' servants? And if the neighbor was not made to pay for damages committed by his slaves, how could he be moved to reprimand or punish them when they did wrong? The Sadducees, with visions in their eyes of burnt granaries and wantonly slain animals, were indignant at the ruling; but the Pharisees could see only that the dignity of man was at stake, and insisted on the freedom of the master from any responsibility for the doings of his slave.

2. *Pharisaic Leniency in Punishment*

The Pharisees showed their respect for the individual in a more direct and practical manner by their leniency in punishment. Those who regard the individual as little more than an automaton who exists for society and to carry out social mores, are inclined to be merciless in their infliction of punishment. But as man begins to think more about the individuals with whom he deals, and less about the social group of which he is a part, he realizes that a sinner, too, has a soul, and that to punish him with extreme cruelty is wrong. Hence we can understand, on the proposed hypothesis, why the Pharisees were, as Josephus tells us, "not apt to be severe in punishments" (Antiquities xiii. 10, 6).[87]

[87] Compare also Antiquities xx. 9, 1, "He was also of the sect of Sadducees, who were very rigid in judging offenders." What Josephus says on the subject would seem to be corroborated by Megillat Ta'anit 4, where we are told that a festival day was set aside by the Pharisees to commemorate the rejection of the Sadducean "book of punishments." Clearly there must have been a book in which the forms of punishment and the punishable crimes were outlined according to Sadducean custom; this was doubtless accomplished under Simeon b. Shetah. Compare, however, Zeitlin in Jewish Quarterly Review, N. S., X, 255. It is true that in the law on false witnesses the Pharisees were more severe than the Sadducees, but regarding that see Supplementary Note 2.

The rabbinic criminal code offers ample corroboration of this testimony of Josephus. Penalties are made as lenient as possible, and wherever possible they are abolished. One rule of evidence required that the witnesses should say that they had warned the accused that his proposed act was a crime.[88] Another made any slight disagreement between the witnesses sufficient cause for rejecting their testimony.[89] Under this rule R. Johanan b. Zakkai once, in cross-examining witnesses who had testified to a crime committed near a fig tree, asked them whether the stems of the figs were large or small.[90] The witnesses might reply that they did not remember or had not noticed; but if they contradicted each other their evidence would be of no value.

Great care was taken not to mutilate the bodies of executed criminals and to lessen the pains of death. Burning as such was abolished, and in its place was substituted death by molten lead.[91] This had the advantage of being speedier, but what was perhaps more significant for the rabbis was that it was "a burning of the spirit, but the body remained intact." [92] The punishment of stoning was made to consist of throwing the convict down from a height and then placing a single stone on his body.

Some conception may be had of the extent to which capital punishment was practically abolished from the mishnaic statement that a court which executed more than one person in seven years was called 'destructive.' [93]

When the Jews had lost their right to inflict capital punishment, the rabbis devoted endless ingenuity to discovering methods of making the now theoretical death-penalty impossible. R. Tarfon and R. Akiba remarked in this connection that if they had been members of the Sanhedrin, they would never have permitted anyone to be condemned to death by it.[94] In considering this evidence of Pharisaic individualism we must bear in mind that these judges believed that capital punish-

[88] Mishnah, Sanhedrin 5, 1.
[89] Ibid. 5, 2.
[90] Ibid.
[91] Mishnah, Sanhedrin 7, 2.
[92] B. Sanhedrin 52 a.
[93] Mishnah, Makkot 1, 10.
[94] Mishnah, Makkot, loc. cit.

ment had been established by the word of God. It was therefore not mere sentimentalism that made them hesitate to inflict it, but a deep-rooted conviction that respect for the dignity of man was likewise enjoined by God.

IV. Pharisaic Dogma and Theology

1. *Foreign Influences*

Scholars long ago called attention to the striking similarity between some of the Pharisaic teachings and those of Zoroaster.[95] Both religions have in common not only the belief in the resurrection of the dead, but also the doctrine that there exist in the world a host of semi-divine beings, some of them good, the angels, others malignant, the evil spirits. Yet no sufficient explanation has been offered for the equally important fact that these Pharisaic teachings were rejected by the Sadducees.

Long before the rise of the Pharisees and Sadducees as contending groups Persian doctrines had gained a foothold in Jerusalem. Zechariah, prophesying at the time of the restoration, mentions Satan,[96] a new figure in Jewish theology — apparently the Persian Ahriman, the source of evil, in Hebraic dress. In Zechariah Satan is definitely subordinate to God, and

[95] Compare Kohut, Ueber die jüdische Angelologie und Dämonologie in ihrer Abhängigheit vom Parsismus (Leipzig, 1866), and his 'Was hat die talmudische Eschatologie aus dem Parsismus entnommen?' in Zeitschrift der deutschen morgenländischen Gesellschaft, XXI, 552 ff. Also, with particular reference to the doctrine of the resurrection, Koeklen, Die Verwandschaft der jüdisch-christlichen mit der parsischen Eschatologie (Göttingen, 1902). See further Bousset, Die Religion des Judentums, 3rd ed., pp. 480 ff. For a recent summary of the situation see G. F. Moore, The Birth and Growth of Religion, pp. 136 ff., and his Judaism, I, 404; II, 394–395. In opposition to the theory that the Jews were influenced by the Persians see George Adam Smith, The Minor Prophets, II, 310 ff.; Maynard in Journal of Biblical Literature, vol. 44, pp. 163 ff. Maynard points out that it would be more natural for Judaism to adopt Zoroastrian practices than doctrines, and that we find no trace of Jewish custom being influenced by the Persian religion. Similar arguments are presented by I. F. Wood in Journal of Biblical Literature, vol. 46, p. 98. Yet it must be remembered that in the days when Judaism was exposed to Persian influences, its practice had been codified but its theology was still fluid. Hence it was possible for new ideas to make their way into Jewish consciousness, whereas it was inconceivable that the practices which were crystallized in the torah should be abandoned.

[96] Zechariah 3, 1.

merely one of the angels. Yet he is the angel whose duty it is to accuse men, to do evil to human beings. His personality emerges even more definitely in the Book of Job,[97] where he is depicted not merely as the accuser of man, but as the agent who punishes him. In Chronicles we find him in still another rôle, that of enticing man to sin.[98] In the Second Zechariah (c. 250–200 B.C.) this evil force appears no longer as an angel, but as "the spirit of uncleanness." [99] And finally in the Enoch literature we meet him as a rebel against the authority of God, a general leading an army of wicked spirits and angels, defying God just as the Persian Ahriman defies Ormuzd, the Zoroastrian god of light.[100]

Similarly, we can trace the gradual intrusion of the resurrection into the thought of urban writers. Denied expressly in some of the Psalms, and by implication in the early prophets, the new belief suddenly appears in the fourth century B.C. in the apocalyptic prophet whose words have been incorporated into Isaiah (Isaiah 24–27). This prophet, however, does not announce the resurrection as a new doctrine. He assumes that his hearers are quite familiar with the idea:

> Thy dead shall live, my dead bodies shall arise;
> Awake and sing, ye that dwell in the dust,
> For thy dew is as the dew of light,
> And the earth shall bring to life the shades (Is. 26, 19).

Note particularly that the energy which is to revive the dead inheres in the dew, and that it is "as the dew of light." When we realize that the force effecting resurrection in Zoroaster's religion is the god of light, the reference becomes pregnant with meaning.

Two centuries later, in the Book of Enoch, we find not only the mention of the resurrection but a description of the new world which it will inaugurate.[101] In Daniel (c. 165 B.C.) the

[97] Job 1, 6 ff.

[98] 1 Chronicles 21, 1.

[99] Zechariah 13, 2.

[100] Enoch 9, 6. As is well known this part of Enoch is pre-maccabaean, and may be dated about 200 B. C.

[101] Enoch 35, 5–7.

doctrine takes a still further step forward. It is no longer the beginning of another mortal, if happier, life; it is for eternity:

> And many of them that sleep in the dust of the earth shall awake, some to everlasting life, and some to reproaches and everlasting abhorrence (Dan. 12, 3).

That the country people and their aristocratic sympathizers in the city objected to these new teachings we learn from Ben Sira. This writer, living at the end of the third century B.C., was a contemporary of the author of Enoch 1–36, and only a generation earlier than the Book of Daniel. He lived long after the writer of Chronicles, and three centuries after Zechariah. Yet his conceptions are more akin to those of Jeremiah and Ezekiel than to those of any of these writers. He flatly denies the resurrection and declares Satan a myth.

Reverting to the ancient doctrine of the Psalms that the dead cannot praise God, he has this to say:

> For what pleasure hath God in all that perish in Hades,
> In place of those who live and give Him praise?
> Thanksgiving perisheth from the dead as from one that is not (Ecclus. 17, 27).

And again:

> For when a man dieth he inheriteth
> Worm and maggot, lice and creeping things (Ecclus. 10, 11).

He argues with those seeking the consolation of resurrection in these words:

> Fear not death, it is thy destiny;
> Remember that the former and the latter share it with thee (Ecclus. 41, 3).

As for the doctrine of Satan he disposes of him very tersely:

> When the fool curseth Satan,
> He curseth his own soul (Ecclus. 21, 27).

There is no Satan drawing man to sin, outside of the "evil inclination," which is part of our own nature and should not be hypostatized into a being outside of ourselves. He bids us,

> Say not, from God is my transgression; for that which he hateth made he not (Ecclus. 15, 11).

Instead he insists:

> God created man from the beginning,
> And placed him in the hands of his inclination (*yeezr*);
> If thou desirest, thou canst keep the commandment (Ecclus. 15, 14).

For these denials of what in later times came to be Pharisaic doctrines, some interpreters have declared Ben Sira a Sadducee. This judgment, however, is as unfair as it would be to call the author of the Chronicles or Job or the prophet Zechariah, all of whom speak of Satan, Pharisees. The Pharisees and the Sadducees as definitely organized groups did not exist before the Maccabaean rebellion. But the social forces that impelled the one sect to its beliefs and their opponents to the negation of them, were as active in the Persian and Greek period as in that of the Hasmonaeans. Ben Sira, hailing from the landed aristocracy which in later times was the nucleus of the Sadducean party, naturally held the ideas that were common to his group.[102]

[102] This insistence of Ben Sira on freedom of the will is important in view of the light it sheds on the doctrine as expounded by the Sadducees of later times. We know nothing from the Talmud or the New Testament about any controversy between the sects regarding freedom of the will, but Josephus tells us that "the Pharisees say that some actions, but not all, are the work of Fate, and that regarding some of them it is in our own power to decide whether or not they shall come to pass . . . while the Sadducees deny Fate, and say there is no such thing, and that human affairs are not in its disposal, and they suppose that all our actions are in our own power so that we are ourselves the cause of our good fortune and bring on our misfortune through our own folly" (Ant. xiii. 5, 9). Since Fate is nowhere mentioned in Pharisaic literature as one of their concepts, the interpreters of this passage have attempted to read into it a number of accepted Pharisaic teachings (see, for example, Graetz, vol. III, note 12, and most recently Klausner, Historia Yisraelit, II, 111). It seems to me that the difficulties disappear as soon as we realize that in Josephus, as in Ben Sira, the Pharisaic belief in wicked angels and spirits is considered a limitation of human freedom, and that to the extent that these exist man may be said to be only partially free. Josephus, as is usual with him, gives the Hebrew conception a philosophic, high-sounding name, and therefore denominates what in Zechariah appears as "the spirit of uncleanness" by the Greek term, Fate. According to the Pharisees some human actions are determined by evil spirits, but not all, for man is free to overcome the evil spirits. The Sadducees denied the existence of evil spirits outside of man, and like Ben Sira maintained that our evil desires are not whispered to us from without, but are the expressions of our own 'yezer,' the evil inclination. The matter deserves fuller treatment than can be accorded it here, but a comparison of the various passages in Josephus with those about evil spirits in the Book of Jubilees and the Testaments of the Twelve Patriarchs, as well as with the cited passages from Ben Sira, will, I think, leave no doubt that what Josephus for his Greek readers calls Fate really represents the Pharisaic doctrine of evil

The aristocratic origin of Ben Sira hardly needs to be proved; it is everywhere taken for granted. Yet it may not be superfluous to draw attention once more to his contempt for the laboring man as capable of wisdom. This doctrine, which strikes us as so thoroughly un-jewish, appears in that light only because the great mass of our Jewish literature is of Pharisaic and urban origin. Of the various workers he has this to say:

> All these are deft with their hands,
> And each wise in his handiwork.
> Without them a city cannot be inhabited,
> And wherever they dwell they hunger not.
> But they shall be not inquired of for public counsel,
> And in the assembly they enjoy no precedence (Ecclus. 38, 31–33).

In contrast, again, to almost all other Jewish writers, Ben Sira urges severity toward slaves:

> Fodder and stick and burdens for the ass;
> Bread and discipline and work for the servant.
> Put thy servant to work and he will seek rest;
> Leave his hands idle and he will seek liberty.
> Yoke and thong bow down the neck,
> And for an evil servant there are stocks and chastisement.
> Put thy servant to work that he be not idle,
> For idleness teacheth much mischief (Ecclus. 33, 24–27).

The comparison of the slave to the ass reminds us of the Sadducean argument against relieving the master from responsibility for his slave's misdeeds.[103] Yet the sentiment, expressed by this writer before the rise of Pharisaism, is not intrinsically dissimilar to that of another man of the country, who lived after the Pharisees had won a full victory over their opponents. Rab Judah, teaching in Babylonia half a millennium after Ben Sira, declares in the same spirit, "He who sets a slave free transgresses a positive commandment." [104] It is thus evident that what we have before us in Ben Sira's harsh advice is not a

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spirits. See in this connection Josephus, Ant. xviii. 1, 3, and War ii. 8, 2, and the passages cited by Hoelscher, Der Sadduzäismus, p. 4. Compare also Ginzberg, Unbekannte Jüdische Sekte, p. 238, and Moore, Judaism, I, 455 ff.

[103] See above, pages 219 ff.

[104] B. Gittin 38 b. Compare the statements attributed there to both R. Eliezer and R. Akiba that it is a positive commandment to keep heathen slaves in their subjection.

Sadducean but a rural attitude. Indeed Ben Sira takes cognizance of the different situation prevailing in the city, where people had only household servants, when he adds to the verses just cited the following:

> Hast thou an only servant, let him be as thyself,
> For thou hast need of him as thy very self.
> Hast thou an only servant, treat him as a brother,
> Be not jealous against thy very life (Ecclus. 33, 30–31).

Of Ben Sira's wealth, of his wide travels, of his independence, enough has been said by others. He was a scholar, but a scholar who, unlike most of the Pharisaic scribes, had no need to earn a livelihood. Since he was neither an artisan nor a trader, and those were days before people lived from interest on investments, he must have been a landowner whose estates were looked after by subordinates. This supposition, which is implied in all that the commentators have written about him, explains at once the lofty tone which he assumes and the wordly-wise advice which he, a scholar, so readily gives to practical men.

We have then, it seems to me, in Ben Sira's opposition to the doctrines of the future life and of Satan the reply of the man of the country to the urban acceptance of these Persian beliefs.

Thus, even before the organization of the Pharisees and the Sadducees as parties, forces existed which made for a division in theological outlook between the urban and rural sections of the population. The explanation of this phenomenon is near at hand. During the first centuries of the second commonwealth (538–333 B.C.) Palestine was a province of the Persian empire, and in Jerusalem, its capital, resided not only the Persian governor but also his numerous officials and his whole court. The masses of the city population, moved by their reverence for the representatives of the Great King, might easily be led to take over some of the Persian conceptions. Persia was the greatest power on earth, and it would have required far more intellectual courage than the citizens of Jerusalem possessed to resist altogether the philosophy of their rulers.

In the country, on the other hand, the influence of Persia was practically non-existent. The ordinary farmer rarely met a Persian. The local officials were Jews, and even if once in a while a Persian officer came to the village, his temporary stay could hardly be effective in spreading new doctrines. The children of the peasant had no opportunity of mingling with the children of the Persians, and thus the most important avenue of assimilation was closed. We can readily see how in the course of centuries the city people came to regard what had originally been Persian ideas as their own, while the country people continued in their ancestral rejection of them.

But the Pharisees were heirs not only to Persian but also to Greek doctrines. The doctrine of immortal souls, which appears for the first time in the Book of Jubilees (23, 31) but is thereafter recognized Pharisaic teaching, is taken from Greek philosophy. Greek influence, like that of the Persians, had its locus in Jerusalem, the centre of Judaean culture, commerce, and government. The Pharisees were particularly inclined to accept the doctrine of immortality because the immortal soul served as a rational connection between the dead corpse and the eschatological risen being. The belief in immortality did not make its appearance before Maccabaean times; years had to pass before it could become part of the Jew's own thought-content. But in the later Wisdom literature and in the traditions of the tannaim its place is firmly established.

Pharisaic thought was influenced by the Greeks in an even more subtle manner when it adopted the notion that dogma is fundamental to religion. It is a commonplace that the prophets never teach abstract truths but only concrete action. The existence of God was for them not a philosophical or metaphysical idea; they are primarily interested in the worship of Him through good deeds. Even the rejection of idols is practical rather than theoretical; it is the service of heathen gods that is condemned rather than belief in them. The Pharisaic elevation of belief into a fundamental part of religion was an innovation in Judaism. It came about, I believe, as a result of the Pharisees' tendency to regard themselves as a school of thought like those of Athens. In earlier times differences of practice between

city and country, and the primary controversies between the Pharisees and the Sadducees, had been limited to civil and ceremonial law, but the Pharisees, finding themselves in agreement about certain metaphysical teachings — the resurrection, angels, evil spirits — and seeing the Sadducees opposed to them, declared belief in these teachings no less important than observance. The Sadducees, immune from Greek influence in their country estates and villages, saw no reason for developing dogmas of any kind, and remained true to the prophetic traditions of a religion of action rather than dogmatic theology.

It is curious that, from among the many foreign ideas[105] which the Persians and Greeks brought to Jerusalem, only the notions of resurrection of the dead, the immortality of the soul, and the belief in angels and evil spirits should have been definitely accepted by the Pharisees.[106] Upon analysis we shall find that these selected doctrines were especially expressive of the individualist point of view. In view of the close association of individualism with the conditions that make for urban life this is important. It furnishes additional corroboration of our basic hypothesis that the Pharisees were originally an urban group.

[105] Such as, for instance, the identification of the light with good, regarding which see such verses as Zechariah 14, 6; Eccles. 11, 7, and the expression "light of God's countenance," which is referred to in one way or another in Daniel 9, 17; Psalm 44, 4; 80, 4. 8. 20; and 89, 16, sources which are usually attributed to the Maccabaean age The other Psalms in which this expression occurs are probably all from the Persian period. Compare, however, its occurrence in the priestly blessing, Numbers 6, 25, and the conception in Genesis, chapter 1, that light was created on the first day, and "was good," and also that it existed independently of the sun or moon, which were created on the fourth day. The rabbis associate this teaching, correctly I think, with the belief in a divine source of light. Perhaps this also accounts for the beaming of Moses' face when he descended from Mount Sinai (Exodus 34, 29–35).

[106] The Persian influence in developing the Jewish doctrine of the Messiah and the messianic age is less easily traced, though it was inevitable that the Jews should permit their own conception of a glorious future to be somewhat colored by that of their rulers.

2. *Urban Individualism*

(*a*) Resurrection and Immortality

None of the Pharisaic teachings occupied a higher place in their minds than the doctrine of the resurrection. It is mentioned in almost all of their works;[107] a confession of faith in it was introduced into their prayers;[108] anyone denying it is condemned by the Mishnah to loss of future life;[109] Josephus and the New Testament speak of it as a basic Pharisaic doctrine which the Sadducees reject.[110]

The importance attached by the Pharisees to this belief and their vigor in pressing it become specially interesting in view of its undoubtedly late appearance in Israel. We cannot suppose that the early prophets were unacquainted with the Egyptian doctrine of the resurrection, or that Second Isaiah did not know of the Zoroastrian belief in it. Yet none of the prophets before the anonymous author of the Isaian apocalypse (Isaiah, chapters 24–27) speaks of a future revival of the dead. Their silence raises suspicion that they considered the doctrine alien to their whole thought. This impression is strengthened by Ezekiel's vision of the valley of dry bones. The bones are made to live again, but the prophet is careful to assure us that they are merely symbolical of "the whole house of Israel," and that their revival is prophetic not of the quickening of the dead, but of the new spirit that will fill the Jewish nation.[111]

Even more impressive is the opposition to this doctrine after it had appeared in Scripture. We have already seen that Ben Sira, who lived two hundred years after the apocalyptist, unhesitatingly denies the resurrection,[112] and so does his contemporary Koheleth.[113] Yet within half a century from their

[107] Daniel 12, 2; Testaments of the Twelve Patriarchs, Simeon 6, 7; Judah 25, 1. 4; Zebulun 10, 2; Benjamin 10, 6–8; Enoch 51, 105; Psalms of Solomon 3, 16; 2 Maccabees 12, 44.

[108] See Jewish Quarterly Review, N. S., XVI, 22.

[109] M. Sanhedrin 10, 1.

[110] Acts 23, 8; Josephus, Antiquities xviii. 1, 3.

[111] Ezekiel 37, 11.

[112] See citations above, p. 226, and in addition Ecclus. 22, 11; 39, 9; 41, 11.

[113] See, for example, Eccles. 3, 20.

time the stone which they had rejected became the foundation-stone for the doctrine of the most influential party in Judaism.

Some writers have maintained that the change in attitude of Jewish sages occurred as a result of the persecutions of Antiochus and the Maccabaean wars. Hundreds of Jews were slain because of their loyalty to God and to the torah,[114] and it was natural for men to ask themselves whether these heroes and martyrs were to receive nothing more for their sufferings than an occasional sigh and tear of which they were unconscious.[115] These circumstances, it is said, caused the doctrine of resurrection, formerly held by a few, to spread among all those who had been bereaved. In a few decades it rose from the status of a despised superstition to general recognition as a cardinal point of faith.

We cannot doubt that the persecutions and the wars did help to propagate the doctrine. Yet they alone cannot explain its vogue. For not only had it found its place in Scripture more than two centuries before Antiochus, but the writer of the earliest part of Enoch (Enoch 1–36), who apparently lived just before the promulgation of the tyrannical decrees of Antiochus, strongly asserts his belief in it.[116] Moreover, we should not forget that Jews had died both in war and in defense of their beliefs before the second century B.C. Manasseh had poured out innocent blood, the Bible tells us, till he filled Jerusalem from end to end.[117] Jeremiah and his following did not respond to this persecution with the announcement that the royal murders were futile because they would be undone by God at the end of days. Apparently the Jews of the first commonwealth were convinced that it was well to die — even an everlasting death — for one's people and one's principles. That the Jews of the second century B.C. should have felt that the betterment of the condition of one's people was not sufficient reward for death by martyrdom or on the battlefield, is itself evidence of their highly developed individual consciousness. This consciousness of the individual had been growing in Israel from its early appearance in Jeremiah, through the assurances of

[114] 1 Maccabees 1, 37; 2, 38.
[115] Compare Psalms 44, 79, and 80.
[116] Enoch 25, 6.
[117] 2 Kings 21, 16; Jer. 2, 30.

Ezekiel that God would reward each man according to his deed, and further through the skepticism of Job, who asked how it was that the righteous nevertheless suffer and the wicked manage to prosper, until it finally reached the apocalyptist's implied answer that the true reward was to come in the future world.

The belief in the resurrection was not merely religion's necessary reply to the current skepticism of an individualistic age, but it was the type of answer that best suited the spirit of such an age. Men were no longer willing to think of a nation as eternal, and of themselves as passing meteors in its endless history. They admitted that the state was an end in itself, but held that they too were ultimates whose being needed no further justification. It was in keeping with their general attitude of mind to assert that death was not final, but merely the prelude to a longer life.

From this stage of the doctrine, represented in the pre-maccabaean writings of Isaiah 24–27 and Enoch 1–36, to the stage found in Daniel, where it is maintained that the righteous shall be raised to eternal life, is only a step. The final liberation of the individual took place when the Pharisees wedded to this doctrine of resurrection the Greek belief in immortal souls.[118] It was now no longer a question of being raised again from death; man could not, in a real sense, be said to die at all. The punishment of the wicked was not deferred to the end of days, but came as soon as they had closed their eyes. And likewise the righteous would not have to wait for the awakening blast of the Messiah's trumpet; the sword that ended their earthly career opened for them the gates of Paradise.

Historians have correctly assayed the importance of this doctrine for Pharisaism when they have imputed to it the rapid growth of the Pharisees as a party. It was not merely that the Pharisees offered to men the consolation of eternal life; that would have secured for them few adherents in the age of Isaiah. They would have been laughed at for their vain conceit, and denounced for their gullibility and folly. It did gain them a following in the Maccabaean age because men were prepared to

[118] Jubilees 23, 31; Wisdom of Solomon 3, 1.

believe in the endless life of the individual. We can also understand why they defended their belief so passionately. It was not a philosophic and consolatory doctrine that they were espousing; they were maintaining the honor and dignity of the individual man.

The Sadducees, on the other hand, could not but regard the new doctrines as false and heretical. They believed with the older prophets that eternity belongs to nations alone, and not to individuals. To assert that reward for good deeds must come to each man in a future world was a betrayal not only of ancestral doctrine but of group loyalty. From this point of view we see how the Sadducean tendency to be nationalistic and conservative — proclivities which on the ground of various statements have been noted by scholars [119] — was expressed also in their determined opposition to the teaching of the resurrection and of the immortality of the individual soul.

(*b*) Angels and Evil Spirits

The Pharisees' emphasis on the moral responsibility of the individual was expressed with equal force in their departure from the biblical doctrine of angels and their development of this new doctrine, a doctrine which the Sadducees must have felt to be absurd, heretical, and perilously close to the brink of polytheism. Strangely enough, we are told nothing about this controversy in Josephus or the Talmud, and learn about it only from Acts 23, 8, where we read:

> For the Sadducees say that there is no resurrection, neither angel nor spirit, but the Pharisees confess both.[120]

In the light of this information, we can detect a controversial tone in certain passages of the Pharisaic works, which thus confirm the evidence of the later Christian writer.[121] In order, however, to understand fully the controversy between the two parties regarding the existence of angels we must view it against the background of prophetic belief.

[119] See above, pp. 185 f.

[120] See also Ginzberg, Unbekannte Jüdische Sekte, p. 229.

[121] Enoch 45, 1; Test. Asher 7, 1. See below, p. 239.

Angels are mentioned in the earliest parts of the Scriptures, but their personality is always confused with that of their Master. They have no will of their own, and are not even marked off by special names. In passage after passage we, who are accustomed to think of living beings as separate entities, are disturbed by the writer's apparent uncertainty as to whether it is God or the angel who is acting or speaking. This is not a difficulty that can be solved by separation of sources, for it is found in passages where there can be no suspicion of divergent traditions.

When God appears to Moses in the burning bush (Ex. 3, 2), the story opens with the statement that "the angel of the Lord appeared to him," but thereafter the Lord himself speaks, rather than an angel. Similarly, when the angel is sent to comfort Hagar, we are told that "she called the name of YHWH who spoke to her, Thou God seest me" (Gen. 16, 13). In the theophany of the plains of Mamre, Abraham lifts up his eyes and sees three men standing by him (Gen. 18, 1). In the story which follows exegetes are at a loss to discover whether the Lord is among the three men, or is merely represented by them. The trouble arises from the failure of the writer to conceive of the angels as personalities in their own right. They are emanations of the divine personality, and as such speak in the name of God but have no will or power of their own. This conception of the angels is well illustrated in the story told at the beginning of the Book of Judges (2, 1) of how "an angel of the Lord went up from Gilgal to Bochim and said, I made you go up out of Egypt and have brought you to the land of which I sware to your fathers." The angel clearly speaks as part of the divine personality.

The only early prophet who uses the word *mal'ak* in the meaning of 'angel' is Hosea (12, 5). His followers apparently had developed clearer notions of personality, and were as much troubled by the confused expressions in the earlier tales as we are today. They therefore eschewed the use of the traditional term *mal'ak*, for in their monotheism they could think of no other immortals than God. Isaiah in his theophany (6. 2) sees 'seraphim' hovering about the throne of God. Ezekiel (9, 2)

sees "a man clothed with linen" and six other men who do the office which in earlier works would be ascribed to angels. Ezekiel's preference for the term *ish* 'man,' is not accidental. He wants to refer to spiritual beings, yet he cannot, because of his highly developed notions of personality and individuality, merely subsume them under the personality of God. On the other hand he dares not compromise his monotheism by assuming that they are independent and immortal. Hence they are 'men.'

It is of great significance that Jeremiah never speaks of angels at all, nor are they mentioned in Deuteronomy. In Isaiah (63, 9) we meet "the angel of His presence," and in the post-exilic prophets we read not only of Satan but also of other angels, who perform very important functions.

The rabbis take note of this change from the older prophets to those of post-exilic times in their remark that "the names of the angels were brought back by Israel from Babylonia." [122] This fact is of the utmost significance, and we can appreciate it fully only when we realize what importance the ancients attached to names. The Scriptures describe Abraham's whole life as changed when God gave him a new name (Gen. 17, 4). When God wants to impress Israel with the dread character of the angel whom he sends before them, he says, "My name is in him" (Ex. 23, 21), as we should say, 'My personality is in him.' The law of levirate marriage is interpreted in Deuteronomy (25, 6) as having for its purpose that "the child shall rise to the name" of the deceased. This does not mean, as we might be led to suppose from some translations, that the child of the levirate marriage is to inherit his uncle's property. But rather, as we learn from Genesis (38, 6), he is, as it were, by a posthumous adoption his uncle's son. He becomes his uncle's son by being called so.

The particular importance which the ancients attached to names accounts for the anonymity of angels in the oldest scriptural writings. Not only are no angelic names mentioned in the Pentateuch, but, more than that, we have two remarkable stories of the refusal of angels to give their names. The angel

[122] Jer. Rosh Ha-Shanah 1, 2 (56 d).

who speaks to Jacob says to him (Gen. 32, 30), "Why dost thou ask for my name?" In Judges (13, 18) the angel who revealed himself to Manoah also says, "Why dost thou ask for my name?" and adds the significant words, "which is hidden." The namelessness of angels is, I think, significant; it vividly demonstrates an important teaching of the older prophecy — that the angels have no personality except that which they derive from God.

The complete vindication of prophetic teachings in the exile made it possible for the later exponents of religion to deal with angels as individual beings. We have seen that the first sign of this new conception appears in Zechariah (3, 2), who speaks of Satan as an angel with a definite name and personality, and that Satan again appears in Job, where his character and office as accusing angel is even more precisely defined.[123] We have but to look to Tobit (written about 200 B.C.) to find also Raphael, the curing angel, and in the first section of Enoch, a contemporaneous work, we meet a whole group of angels. Some of these are good and obedient, but many of them are wicked and are punished for their sins by eternal imprisonment. Besides Raphael we find also Michael, Uriel, and Gabriel (Enoch 9, 1), and opposed to them Azazel and his cohorts. Michael appears again as the guardian angel of Israel in Daniel (12, 1), and thereafter in the Book of Jubilees [124] and the Testaments of the Twelve Patriarchs.[125] Particularly in the Book of Jubilees do we find the personality of the angels emphasized. The angels there observe the sabbath; they are circumcised;[126] indeed they are enlarged replicas of the citizens of the earthly Jerusalem who carry on in the heavenly city the same life of virtue and vice which the authors saw in their neighbors. There are angels who pray and angels who sin, angels who are rewarded for their good deeds and angels who are punished for their wickedness.

[123] See also Job 4, 18 and 33, 23. Compare further the story of Araunah's seeing the angel in 1 Chronicles 21, 20 with the appearance to Abraham and Manoah. Araunah knows that it is an angel that he sees, and his sons, who do not see the angel, are yet awestruck by his presence. Compare also the mention of the "holy ones" in Zechariah 14, 5.

[124] Jubilees 2, 2–3.

[125] Test. Levi 5, 6; Test. Dan 6, 2.

[126] Jubilees 15, 27.

We can easily understand why this highly developed angelology would appear to the Sadducees as nothing more than wild phantasy, irresponsible, heretical, and blasphemous. When the writer of Acts implies that the Sadducees denied the existence of angels, he does not mean angels in the sense in which they are mentioned in the pentateuch, for the Sadducees accepted the torah as fully as did the Pharisees; he refers rather to their refusal to accept the new angelology of Maccabaean days, with its insistence that the angels were not mere ministers of the divine will but had wills and characters of their own.

This controversy is not recorded in Acts only; references to it may also be found in Pharisaic literature. The writer of the Similitudes of Enoch devotes one of his chapters (Enoch 45, 1) to a denunciation of those who "deny the name of the dwelling of the holy ones and the Lord of spirits," and prophesies eternal doom upon them. Similarly, in the Testament of Asher (7, 1) we are told that the men of Sodom earned their doom in part by failure to recognize the angels.

It seems reasonable to infer that these differences between the two parties in their attitude regarding angels reflect a difference in their point of view regarding humanity. Is it not likely that the awakening interest of the Pharisees in angelic beings and their unbiblical insistence on angelic personality and character were part of their belief in the association of personality with conscious being, or moral responsibility with individual existence? The Sadducees, who felt no such reverence for the individual, might well retain their loyalty to the biblical conception of personless, nameless, characterless, unindividualized angels. The Pharisees, who objected to a denial of the legal responsibility of the slave because he was a sentient being, would naturally feel uncomfortable when reading about superhuman beings who, though immortal and semi-divine, yet lacked the basic human characteristic of individual responsibility for their deeds. The biblical angels could not do evil; there was no conflict in their natures, they were mere automata. Such lack of will the Pharisees could not associate with conscious being. They easily came to assert that the angels could choose evil if they would, and some of them, they main-

tained, were wicked. The obedient servants of God were therefore rightly to be honored and respected for their faithfulness to their Master.

(*c*) The Oral Law

The Pharisees never doubted that their interpretations of the law were correct. Their individualism was not something that they had learned in text-books on philosophy or ethics; it was an integral part of themselves. They looked out on the world through it as the astronomer looks at Jupiter through his telescope. They were certain that the dead would be raised, that the human soul was immortal, that angels sang the praises of God, and that evil spirits rebelled against him and tempted man; and they could not doubt that since these propositions were all true and established, they must be recognized in Scripture, which was likewise true. When we realize how many centuries of exegesis were needed to discover the principle of religious development in the Bible, we readily sympathize with the ancient Pharisees, who were convinced that their laws and doctrines were identical with those taught by Moses and preached by Isaiah.

The belief in the antiquity of their teachings was encouraged by the support, slight as it was, that they found for them in Scripture. The resurrection had slowly, but steadily and surely, made its way into the holy writings: the apocalyptic Isaiah had given it prophetic recognition; the anonymous author of Daniel had supplied it with the authority of wisdom. He had also given full and unequivocal confirmation to the doctrine of angels, going far beyond what had been taught in Zechariah, Job, or Chronicles. The Second Zechariah, whose work had been incorporated into the prophetic canon, had spoken of the evil forces under the name of "spirit of uncleanness." Whatever doubts some rationalists may have entertained regarding these revelations were dispelled when it was recognized how much divine truth, omitted in the other Scriptures, was reserved for these works. Thus what is for us uncontrovertible proof of the lateness of these books was for the Pharisees the best evidence of their early date and their authenticity.

None of these works, however, was of a legal nature. They all substantiated Pharisaic theology, but gave no support to Pharisaic law. Yet the law was as important for the Pharisees as their doctrine. The traditional laws expressed the spirit of generations who had remained loyal to the conception of social solidarity rather than individual responsibility. Deuteronomic law had been a long step forward in the direction of giving legal recognition to the prophetic conception of the individual as an end in himself, and in breaking the bonds that held him imprisoned in outworn mores. But more remained to be accomplished. There was much in the prevailing interpretations of the civil, criminal, and ritual law which a generation believing in men and women as free individuals, rather than as mere automata existing only for the benefit of their group, could no longer accept. The autonomy which the Maccabaeans had won for themselves made this reinterpretation of the law a most pressing necessity.

To meet the vital need of reinterpretation, the Pharisees necessarily had recourse to exegesis. Their weapon was their legal acumen. But in order to make it workable the judges had to be given as free a hand as possible. The Pharisees thus became the supporters of liberal interpretation. Except where the law was explicit and unequivocal in carrying into legislation the doctrine of the social whole as the ultimate responsible group, they preferred an interpretation of the law which took as its basis the doctrine of individual responsibility. Their interpretation was unconsciously based on their preconceptions, and they resisted to the uttermost arguments from written and accepted analogous cases.

The ancient custom, for instance, had provided that marriage should consist of the giving of a 'writ of marriage' by the father of the bride to the bridegroom. This writ of marriage was analogous to, and doubtless derived from, a bill of sale. The father, accepting the *mohar*, or payment, for his daughter, issued to her future owner a deed to her.[127]

This conception of marriage was repugnant to the Pharisees. To their minds marriage was a sacred union between two equal

[127] Tobit 7, 13.

individuals, and anything reminiscent of the days when it had been a matter of buying and selling made them indignant. Fortunately the written law said nothing about the marriage contract. Therefore the Pharisaic scholars could see no objection to holding that the writ of marriage might be drawn up by the husband instead of by the father. This interpretation still retained the writ as the instrument of marriage, but cleansed it from association with commercial transactions; above all there was nothing about the new writ to imply that the bride was a chattel passing from the hands of a father-owner into those of a husband-master. The husband wrote a document, addressed either to the bride or to her father, stating that he took her in marriage and accepting certain conditions that might be imposed upon him. In time it came about that the earlier custom was relegated into desuetude and was held to be of no effect as a form of marriage.[128]

We have no record that the Sadducees objected to this innovation. Whether they did or not, the reform is typical of those which Pharisaic individualism was compelled to bring about. In order to make such changes in the law possible the Pharisees had to endow judges with wide powers of legal interpretation. The conservative Sadducees saw no reason for such powers, and became the party of strict and limited interpretation of the accepted law.

In this way the Pharisees began to build up a body of judicial and scholastic decisions which had for them the full authority of law, much as the decisions of the Supreme Court of the United States have for the American people the authority of elements of their instrument of government. There were other fields besides that of civil law in which this development of the law took place. The synagogue was an institution which had grown up without biblical sanction. Nothing in Scripture warranted its existence; much less was there provision for its government or service. Pre-maccabaean Judaism had developed a synagogue service and also a home ritual of prayer and thanksgiving.[129] The Pharisees were much interested in these parts of

[128] Compare Epstein, Jewish Marriage Contract, p. 25, and see B. Kiddushin 9a.

[129] See Jewish Quarterly Review, N. S., XVI, 36 ff., and XIX, 211.

the ritual. The Sadducees, while they probably accepted these formulated prayers, felt that the real divine service was that of the temple. This belief suited their ideas for many reasons. First, they were the priestly party, and the temple represented the priesthood. Secondly, they were the nationalist party, and the temple represented the worship of the nation as a whole, while the synagogue was intended for local worship, and private services for individual devotion. Finally, there was nothing in the written law to sanction the existence of the synagogue, so that while the Sadducees might tolerate it as a custom, they could not accept it as a rival of the temple.

The Pharisees, on the contrary, were enthusiastic supporters of the synagogue and private prayer. They developed the synagogue service and believed fervently in the value of individual worship. The Book of Jubilees represents Abraham as reciting a threefold benediction after his meal,[130] implying clearly that the Pharisaic custom was really as old as the patriarchs. The stress which is laid on this particular custom would indicate that it met with some opposition. The fact that the Pharisees succeeded in introducing as the second benediction of the Shemoneh Esreh a paragraph which is essentially a confession of faith in their doctrines is a further proof of their deep interest in prayers. Josephus, in speaking of Pharisaic influence, naturally makes special mention of their interest in prayer, which stood in such sharp contrast to the neglect of it by the Sadducees.[131]

In order to provide rules for the government of the synagogue and to arrange for these services the Pharisees again had to endow their elders and judges with authority which went beyond the letter of Scripture. It is this reverence for the scholars and judges which Josephus has in mind when he says:

> They also pay a respect to such as are in years; nor do they assert themselves in bold contradiction to such as teach (Ant. xviii. 1, 3).[132]

Once a decision had been announced, it became for the Pharisees authoritative law. It might have been heterodox for the first generation; to the second it was traditional and ortho-

[130] Jubilees 22, 6. [131] Antiquities xviii. 1, 3.

[132] Following Schürer's emendation, Geschichte des jüdischen Volkes, II, 383.

dox. A third generation, forgetting its recent origin, would be led to suppose that it was of high antiquity.

Thus in the course of years a body of legal decisions grew up which, having no basis in the written law, were nevertheless regarded by the Pharisees as an authoritative interpretation of it. Most of these were rejected by the Sadducees. Hence Josephus remarks:

> The Pharisees have delivered to the people a great many observances by tradition from their fathers which are not written in the laws of Moses; and for that reason the Sadducean group reject them, saying that only those observances are obligatory which are in the written word, but that those derived from the tradition of the forefathers need not be kept (Ant. xiii. 10, 6).

Josephus, in his attempt to make the matter clear to his gentile readers, has succeeded in confusing it, for his words seem to imply that the traditions which the Pharisees accept and the Sadducees reject were those of the whole people. That was not at all the fact. Every distinctively Pharisaic tradition had a corresponding and contrary Sadducean tradition.[133] If the Pharisees had an urban tradition for counting the seven weeks between shabuot and passover from the sixteenth day of Nisan, the Sadducees had their rural tradition according to which the period began on the Sunday of the festival week. If the Pharisees had a tradition that the high priest must prepare the incense on the day of atonement only after he had entered the holy of holies, the Sadducees responded with their tradition according to which he was to prepare it before he entered the holy place.[134]

[133] Moore, Judaism, I, 69.

[134] For the explanation of this controversy see the convincing article of Lauterbach in Hebrew Union College Annual, IV, 195 ff. It appears that the Sadducean custom was based on a naïve conception of God as appearing enthroned over the ark of the covenant, while the Pharisaic custom rested on a more mature point of view. From the fact that in this instance the scriptural text supports the Pharisaic usage it is probable that the Sadducean custom goes back to very ancient times. The high priests, fearful lest on entering the holy place they might find themselves face to face with the terror-striking vision of the divine presence, continued the old custom of preparing the incense before entering, so as to protect themselves from the vision. This was in spite of the Lawgiver's express command that the incense be prepared after they had come within the vail. The old custom had such a hold on the terrors of the priests that as late as the end of the commonwealth the Pharisees still had to struggle against it.

In an age when no official court records and laws existed, decisions and interpretations were handed down by word of mouth from the judge (who was also the scholar and teacher) to his pupils, and within a few generations it was possible to suggest that a code of decisions was nothing less that a divinely revealed oral law. The Sadducees had no need for such claims, since their customs and traditions were usually mere extensions of what was implicit in the written word. The Pharisees, who frequently adhered to principles that were on the surface at variance with the natural implications of the written word, had to invest judicial decisions with divine authority. It thus became a fundamental Pharisaic doctrine that the oral law was as fully of divine origin as the written law, equally authoritative and as much to be obeyed.

When this dogma was recognized, it naturally became the central teaching of the Pharisaic sect. It was far more important and of greater consequence than their doctrines of the resurrection, of immortality, of angels and spirits. But it was a younger doctrine than the others. The older Pharisaic works, like Daniel, the Book of Jubilees, the Testaments of the Twelve Patriarchs, the Enoch literature, show no knowledge of it. We must suppose that it was not yet recognized at the time when the Pharisees inserted into the Shemoneh Esreh their confession of belief in the resurrection. If it had already existed, they would certainly have preferred to mention it rather than the resurrection, since their purpose was merely to compel the public reader to announce his adherence to their sect before continuing his prayers. For the belief in the oral law, once accepted, became the cornerstone of the whole Pharisaic building; it summed up in itself all the Pharisees' teachings, doctrinal and legal. Its omission is evidence that in early times the Pharisees themselves did not claim divine inspiration for any organized group of oral traditions. They merely asserted what they doubtless believed to be true, that their interpretations were the correct ones and hence corresponded to what had been taught to Moses on Sinai.

Several attempts were made to bridge the chasm which, in spite of the Pharisaic certainty of the correctness of their

teachings, separated Moses from them. The easiest method was that of pseudepigraphy. Various writers, some of them men of erudition and understanding, wrote books which they maintained had been given as a secret teaching to Moses, or to other sages, and which only now were permitted to be revealed. There was a Book of Noah (now lost, but known through citations of later writers), which contained among other things a statement of Noah's last commands to his sons. There were the Testaments ascribed to the sons of Jacob. But the most daring of all was the Book of Jubilees, a work in which the attempt was made to supply a revealed basis for a large part of Pharisaic law. The author apparently intended to bring about some reconciliation between the Pharisees and the Sadducees. He makes the doctrine of an oral law superfluous, so far as existing controversies are concerned, by attributing to his newly discovered Mosaic document the principal elements of Pharisaic law and theology. He arranges his calendar in such a way that the Pharisees can have their fixed date for shabuot on the anniversary of the giving of the law, and thinks he can satisfy the Sadducees also by an ingenious scheme which assures the permanent occurrence of the festival on Sundays. Thus in his work it appears that the Pharisees and the Sadducees were both right.[135] In a similar spirit he approaches all the other subjects of controversy between the sects, and attempts to win both groups to his opinion.

But such works did not meet the fundamental needs of Pharisaism as it was developing. They did indeed give the strength of revelation to some of the urban teachings of past generations. But they had to make compromises lest through too great frankness they should be admitting their own late date. Even more important, however, was the failure of these works to satisfy the Pharisees in their insistence on a certain freedom in interpreting the law. The rural situation was ancient and fixed, but the urban situation was comparatively new, and at every point the older law had to be slightly modified to meet its requirements. The Pharisees insisted on the authority of the Sanhedrin to give this interpretation. It was

[135] See above, note 36.

in accordance with their belief in this authority that Simeon b. Shetah, when he came to power, carried through a number of reforms. This power was as little granted by the pseudepigraphists as it was by the Sadducees.

The result was that works like the Book of Jubilees, while accepted in certain Pharisaic circles, were rejected by the majority and the leaders. The struggle continued for a recognition of the decisions of the Sanhedrin as an oral law, fully as binding and as divine as the written law. This struggle was not ended until the collapse of Sadducism had removed the strongest part of the opposition to it.[136]

[136] There seems to have grown up a feeling among the Pharisees that a decision reached at solemn gatherings of the Sanhedrin was in some way divinely inspired. To us this doctrine seems so strange that we have difficulty in understanding it. Yet there is evidence that it was widely held, and that through it the Pharisees sought to justify to their own consciences their novel, and frequently revolutionary, interpretations of the law. Indeed this seems to have been the origin of the later rabbinic maxims that "if ten sit down to discuss a law, the shekinah comes down among them." Compare also Simeon b. Shetah's statement to Alexander, "And not before us dost thou stand, but before Him who spake and the world came into being" (B. Sanhedrin 19 a).

The ancients found nothing bizarre in this doctrine. Their ancestors had held for centuries that while ordinary men may make their own decisions, "the king's heart is in the hand of the Lord" (Proverbs 21, 1). The decision of a king was believed to be not his, but God's. Cf. Maine, Ancient Law (London, 1906), p. 5. It took little imagination to transfer the faith in this royal inspiration to the council of elders who had legislative and judicial power. The divine inspiration of legislatures and courts may sound strange to us, but when we recall that for the ancients the truth is the word of God, and how regularly we accept a decision of the Supreme Court of the United States, or of the highest court of a State, as the last word in truth, we can readily see that our ancestors were only expressing in their theological parlance the same thoughts that we express in modern terminology.

Those who maintained that the decisions of the judges were not their own but God's, would naturally seek — in a rationalist age — to explain their theory in human terms. Some of the judges were known to be less than fit for divine inspiration. How then could their human votes be said to be expressive of the Will of God?

It is here, I think, that the doctrine of divine foreknowledge of which Josephus speaks in War ii. 8, 14 came to the assistance of the Pharisees. The judges were free to vote as they would, but God had long ago foreseen their action. He moved their hearts and spoke through their decisions.

The doctrine is admittedly not clear, and the explanation is difficult. Yet we have the testimony of Josephus and R. Akiba (Mishnah, Abot 3, 19) that the Pharisees did discuss the problem of divine foreknowledge in its relation to human freedom, and I can see no point at which the unphilosophic Palestinians of pre-christian times would find occasion to analyze the matter except the one which has been indicated.

V. The Political Ideals of the Pharisees and the Sadducees

Wellhausen has strikingly summed up the known facts about the political activity of the Pharisees. He supposes that their opposition to the Hasmonaeans arose from their being interested in religion alone, and from their unconcern about affairs of state, which were naturally the foremost matters before the government.[137] He casts doubt on the story of a break between John Hyrcanus and the Pharisees, because he holds that they never were united, that from the time of Jonathan, who sought to obtain the high-priesthood for his family, the Hassidim (who later became Pharisees) were opposed to the Hasmonaean family.[138] This is perhaps drawing too sweeping conclusions from the facts. For we know that in the Maccabaean works of Pharisaic origin, like the Testaments of the Twelve Patriarchs and the Book of Jubilees,[139] the Hasmonaeans are held in high esteem. Simeon is made almost into a Messiah. The Pharisees were apparently quite willing to accept the new high-priesthood and even the transfer of the royal prerogative from the house of David to that of Aaron.

Yet there can be no doubt that in the course of John Hyrcanus's reign the Pharisees became estranged from the ruling house, and that from that time until the accession of Queen Alexandra they formed a bitter and hated opposition.[140]

[137] Die Pharisäer, pp. 86 ff.

[138] Ibid. 87.

[139] Compare Test. Levi 8, 14; 31, 14–17. See also Charles, Book of Jubilees (London, 1902), Introduction, p. lxii.

[140] The late Professor Israel Friedlander (Jewish Quarterly Review, N. S., IV, 443 ff.) maintained that the version of the Talmud (B. Kiddushin 66a), in which the story of the break is referred to the time of King Alexander Jannaeus, is to be accepted in preference to that of Josephus, who makes the break an incident in the life of John Hyrcanus (Ant. xiii. 10, 6). Even if this particular incident happened in Alexander's time, it is clear from a number of sources, the Talmud included, that John Hyrcanus broke with the Pharisees. See, for example, B. Berakot 29a, where we are told: "Do not trust thyself till the day of thy death, for Johanan the high priest served as high priest for eighty years and in the end became a Sadducee." Obviously the Talmudic sources had the same tradition which Josephus records, that before his death John Hyrcanus broke away from the Pharisees.

It is not, I believe, the Pharisees' exclusive interest in religion that brought about their opposition to the civil rulers. A more natural and fundamental explanation would seem to be that the Pharisees were urban pacifists. They believed in the individual rather than in the nation as an ultimate end. More important than the individual man's life was his loyalty to the law, no doubt. For through loyalty to the law man could secure what was more precious than the transitory life of this world, the eternal life of the future world. But insignificant as life was in relation to the torah, it was of the highest value in relation to everything else. They could see no purpose in exposing themselves or their sons to slaughter in order to expand the boundaries of Israel. They had in their commercial and artisan occupations known men of all nations, and could not deceive themselves by chauvinistic formulas of the superiority of their own people as a mere people. They knew that their country could never rival such empires as Egypt or Syria, and whether it was a few square miles larger or smaller seemed of little consequence. They had nothing to gain from a victorious war, and everything to lose from an unsuccessful one. The large landowners might obtain new slaves for their fields, might even get new lands, from their conquered territories.[141] But the artisan or trader needed above everything else peace. He could not use new lands, slaves could help him not at all, but peace would permit the continuance and expansion of trade, and that was what he wanted. Hence the city-dweller was opposed to war. Just as Jeremiah in the seventh century urged submission to Babylonia, so his spiritual descendants in the second century B.C. urged the acceptance of the status quo. Glad of their autonomy, they objected to conquests.

John Hyrcanus had little sympathy with these objectors to his policy of conquest.[142] Hence there were deep-seated causes

[141] See Ant. xiii. 16, 2, where Josephus tells us that the Sadducees received from Alexander "the greatest marks of favor," which, according to Graetz, III, note 13, included not only honors and offices but also the lands of the conquered nations.

[142] It is not to be supposed at all, as is frequently maintained (Hoelscher, Der Sadduzäismus, p. 89; but see Dubnow, Weltgesch. des Jüdischen Volkes, II, 136 ff.), that the Pharisees approved of John Hyrcanus's enforced conversion of the Idumaeans and the similar policy of his successors (Josephus, Ant. xiii. 9, 1; xiii. 15, 4). We now know

for a break between the ruling house and the Pharisees. The occasion presented itself in the dramatic incident when Eleazar demanded that the king give up either the kingship or the high-priesthood.[143] The Pharisees, who were not ready completely to disavow him, were thereafter in open break with the king.

We can now understand also the fierceness of their opposition to King Alexander Jannaeus. He was the greatest conqueror among the Hasmonaeans. And the more he enlarged the boundaries of their land, the less the Pharisees liked it. They would have much preferred a small territory with peace to a large country won by war.

The reign of Queen Alexandra, with its nine years of peace and quiet, was therefore entirely satisfactory to the Pharisees. It is to be noted that when there was danger of attack on Judaea by the Armenians, the Pharisees, who were now in control, bribed the king of Armenia to desist.[144] It is quite inconceivable that Alexander Jannaeus with his warlike spirit would have submitted so easily to possible defeat. But the Pharisees, who as we know from Josephus were Alexandra's advisers, preferred peace at almost any price.

In view of this attitude of the Pharisees the struggle between Aristobulus and Hyrcanus, the sons of Queen Alexandra, for succession to the throne becomes more significant. It was in reality a struggle between the city and the country, the Pharisees and the Sadducees. Note in confirmation of this hypothesis that when Hyrcanus marched against Aristobulus to Jerusalem he met no opposition to his entry.[145] We are told only that Aristobulus retired to the temple, where Hyrcanus besieged him. Why did he not seek to defend the city against

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that the so-called Noachic laws date from the early Hasmonaean period, and that they were intended as a code to which the heathen who were subject to the Jewish state ought to conform (see Ginzberg, Legends of the Jews, V, p. 193; Guttman, Das Judentum und Seine Umwelt, p. 105; and Finkelstein, Harvard Theological Review, XVI, p. 59). The laws prohibited blasphemy, the worship of idols, murder, theft, illicit sexual relations, and one or two other crimes about which our sources are not clear. But certainly there was no thought of compulsory circumcision or conversion.

[143] See sources cited in note 140.

[144] Ant. xiii. 16, 4.

[145] Ant. xiv. 21: "The king of Arabia took all his army and made an assault on the temple, and besieged Aristobulus therein."

his brother? Josephus himself tells us that a few years later, when Pompey came against Jerusalem, its fortifications and natural position were so strong that the city was impregnable except on the north.[146] Would it not have been natural for Aristobulus to attempt the defence of the city? He did not, doubtless, because the Pharisees in Jerusalem refused to hold it for him, while the priests in the temple, with their Sadducean tendencies, were willing to hold its garrisons for him.

In this connection, however, it is important to note that while Hyrcanus was the Pharisees' favorite for the throne, they were not willing to join him in making war for it. In his attempt to gain the throne he sought auxiliaries from the neighboring princes, and, as Josephus well puts it, was spurred on mainly by the advice of Antipater.[147] The Pharisees would doubtless have preferred peace to war, even at the price of accepting their enemy Aristobulus as ruler. Honi (or, as Josephus calls him, Onias) doubtless expressed their view when he said: "O God, the king of the whole world, since those that stand with me are thy people, and those that are besieged are also thy priests, I beseech thee that thou wilt neither hearken to the prayers of those against these, nor bring to effect what these pray against those." [148] This pacifist attitude was doubtless that of the main body of Pharisees, in spite of their sympathy with Hyrcanus.

When Pompey came against Jerusalem in the course of the struggle of the two brothers, Josephus tells us that "some thought it best to deliver up the city to Pompey, but Aristobulus's party exhorted them to shut the gates because he was kept in prison." [149] Clearly the followers of Aristobulus, who had failed to convince the men of Jerusalem to close their city against Hyrcanus, sought to move them by the thought that the invader this time was a heathen, a Roman. But the

[146] Ant. xiv. 4, 2.

[147] Ant. xiv. 1, 3. The vigor of Aristobulus, apparently an inheritance from his father, was probably what endeared him to the Sadducean nationalists and warriors, while Hyrcanus's love of peace, a trait which he apparently had received from his mother, naturally inclined him to the Pharisees. This interpretation of the struggle between the brothers is also given by Wellhausen, pp. 100 ff.

[148] Ant. xiv. 2, 1.

[149] Ant. xiv. 4, 2.

pacifist populace of Jerusalem would not be moved, and admitted Pompey without a blow. It was only the temple area that he had to besiege and its walls that he had to take by storm. We are not to suppose that the civil population of Jerusalem were less brave than the priests. There is no reason to accuse them of cowardice; it was rather that they saw no occasion for war. The Sadducean priests were ready to defend themselves like the Spartans at Thermopylae; the Pharisaic citizenry would gladly have died for the law but refused to give up their lives merely for national independence.

It is entirely in accord with these facts when we find that on Herod's approach to Jerusalem the Pharisaic leaders advised that the gates be open to him.[150] Perhaps the failure to obey them this time was due not to any change of mind on the part of the Jerusalem citizenry about the value of national independence, but to fear of the outrages that the soldiers were sure to commit, and had doubtless committed at their first entry under Pompey twenty-seven years before.

The events of this period seem to corroborate the suggestion that the actuating motive of the Pharisees in their political demands was their pacifism, just as that of the Sadducees was their nationalism. We need not wonder that throughout the

[150] Ant. xiv. 9, 4; xv. 1, 1. Apparently the Pharisees themselves were divided as to policy in regard to the admission of Herod. For Josephus later tells us that "the whole nation was gathered together" (Ant. xiv. 16, 2), by which he seems to mean that all parties were united against Herod. This would account for Herod's slaughter of the members of the Sanhedrin, apparently irrespective of party, except for Sameas and Pollio. The Pharisees could not acquiesce in the appointment of a king who was a proselyte, for they felt that to be an infringement of Deuteronomy 17, 15 (see Sifre, ad loc., and M. Sotah 41 a, from which it appears that Agrippa felt that the verse disqualified him). Hence their resistance to the recognition of Herod as king. As Strabo puts it, "by no torments could they be made to call him (Herod) king" (Josephus, Ant. xv. 1, 1). Even those who had proposed (Ant. xiv. 3, 2) the suppression of the whole Jewish kingship, and rejoiced (War i. 8, 5) when Gabinius actually brought about that change in their government, resented the appointment of a king who was not a born Jew. In view of the facts as related by Josephus, I find myself unable to accept Wellhausen's conclusion that the Pharisees were inspired by their concentration on religious matters and were without any political demands. It seems far more likely that they had as much political interest as their opponents, but that their interest was in peace, even though that might involve a limited territory and subjection to foreign domination; the Sadducees on the contrary desired to increase the territory of Judaea and to be independent.

story Josephus does not always refer to the struggling parties as Pharisees and Sadducees. His sources did not always perceive the meaning of the conflict as he did. Even when the Pharisees, in their anger against King Alexander's failure to perform the ceremony of water-pouring according to their custom, pelted him with citrons, Josephus speaks of those guilty of the riot not as the Pharisees, which no doubt they were, but as "the people." [151] Yet from what he tells us it is difficult to avoid the conclusion that the followers of Aristobulus were the strongly nationalist Sadducees, and that the supporters of Hyrcanus were the pacifist Pharisees.

VI. The End of the Sadducees

Neither the Talmud nor Josephus nor the New Testament speaks of the Sadducees as a rural sect. In later times the Sadducean following had been reduced to a few very wealthy families in Jerusalem, and their earlier rural associations had been forgotten. Yet it is clear that at the beginning of the Hasmonaean era the two sects had been about equal. In Josephus's time the Pharisees dominated by sheer force of numbers the whole religious life of the people, but two centuries earlier John Hyrcanus had defied them with impunity. As late as Alexander Jannaeus the forces of the two groups were apparently equally balanced.

The Pharisees began to make converts among the country-people in comparatively early times. The writer of the Testaments of the Twelve Patriarchs describes, side by side with his ideal artisan-pharisee, Zebulun, an ideal peasant-pharisee, Issachar. Clearly the teachings of the Pharisees had already attracted some of the peasants to their banner.

We may assume that the loss of Jewish independence (63 B.C.), with its frustration of Sadducean ambitions, brought numerous converts into the Pharisaic ranks. Here was clear indication that the Pharisees had been right in their teaching that the Jewish people's destiny was religious rather than nationalist,

[151] Ant. xiii. 13, 5.

and that its hope for the future was eschatological and divine rather than immediate and human.

The converts from the Sadducees to Pharisaism adopted the point of view of their new party in regard to all matters in dispute. Yet, so far as sectarian opinion had not crystallized, they continued their rural customs, and naturally maintained their rural outlook. Thus two schools grew up within Pharisaism, the one rural and related to the vanquished Sadducism, the other urban and strong in its furtherance of Pharisaic tradition. It would take us too far afield to demonstrate that the one point of view is represented in the Shammaite tradition and the other in that of the followers of Hillel. It must suffice to refer the reader to L. Ginzberg's remarkable discovery that in many controversies the Shammaite point of view is simply that of the rich, and the Hillelite that of the masses.[152] Hence we find men like R. Eliezer b. Hyrkanos and R. Tarfon, although trained in Hillelite schools,[153] inclined to adopt Shammaite laws.

As the Sadducean party lost its large peasant following and became limited to its few wealthy adherents in Jerusalem, it lost its original character as a strongly religious sect, conservative in outlook, and became a party of worldly, ambitious men who were far less devoted to the tenets of their own sect than were the Pharisaic masses to theirs. Hence Nicolaus of Damascus, writing in Herod's days, speaks of the Pharisees as a "body of Jews who profess to be more religious than the rest." [154] Hence also the readiness with which the Sadducees accepted offices, such as the high-priesthood, in which they were compelled to act in opposition to their own sectarian teachings. Just as in its early bloom the sect had been definitely religious, and expressed the natural desires of its rural followers, so in its later decadence it was lost in a worldly pursuit of power, and its religious traditions became mere slogans for party aggrandizement.

[152] Ginzberg, Notes in Geiger's Kebuzat Ma'amarin, p. 387. Compare also Geiger, Jüdische Zeitschrift, VI, 105–117. For the relationship between Shammaite and Sadducean halakah see Geiger, He-Haluz 6, 15 ff.; and also Jewish Quarterly Review, N. S., XIX, 90, note 20.

[153] See Weiss, Dor, II, 78 ff.; compare also R. Tarfon's leaning to Bet Shammai in M. Berakot 1, 3. The Shammaite leanings of R. Eliezer b. Hyrkanos are well known.

[154] Ant. xvii. 2, 4.

VII. Conclusion

We have now examined various controversies between the sects, and have found all of them to be easily accounted for in terms of the proposed hypothesis. We have also followed the history of the two sects in their political activities, and these, too, are what we should expect from social groups such as have been described. The hypothesis accounts for the attitude of the two parties, particularly in their later stages, to nationalism and religion. The individualism of the Pharisees ceases to be a whim and becomes an intelligible party position. In the course of the investigation we have found an explanation for the peculiar position of Ben Sira, who was more conservative in his theology than Zechariah although he lived three hundred years after him.

In view of all that the hypothesis explains and the failure to discover any real objection to it, it seems to me that we may accept the foregoing as a demonstration that the Sadducees were originally a party of the country and the Pharisees an urban group.

Supplementary Notes

1. *Immortality and the law of inheritance.* — The Pharisees maintained that when a man who dies is survived by a daughter and by a granddaughter who is the child of a deceased son, the granddaughter inherits all the property (Tosefta, Yadaim 2, 20, Zuckermandel 684). The Sadducees maintained that the property is divided equally between the two. It will probably be admitted that in this controversy fairness and social policy are both on the side of the Sadducees. But the Pharisees were clearly putting into a legal decision their theological doctrine of immortality. They maintained that the son was not reduced by his death to a meaningless shade; he still existed, as truly as though he were alive. Hence he inherits "in the grave" (as the rabbinic saying has it, B. Baba Batra 114 b) the property of his father, and transfers it to his daughter. The Sadducees, denying the immortality of the soul, had no particular interest

in giving the property to the granddaughter, and naturally decided that both heirs should share equally.

2. *The law of false witnesses.* — The Pharisees maintained that a false witness could be punished in a capital case, even if his guilt was exposed in time to save the court from executing the intended victim, provided the court had been led by the false testimony to issue a wrong decision. The Sadducean rule was: "If the witnesses caused actual death, they are to be executed; if they did not cause death, they are not to be executed" (Mishnah, Makkot 1, 8). This controversy can be understood only in the light of the story which is told several times in connection with it. Accepting with Geiger (Urschrift, 141) the reading of the Mekilta (Exodus 23, 7, ed. Friedmann 100 a), which is undoubtedly older than that of the Tosefta, Sanhedrin 6, 6, Jer. Sanhedrin 6, 4 (23 b), and B. Makkot 5 b, the story is this. Simeon b. Shetah executed a false witness. Judah b. Tabbai thereupon said to him, "May I not see the consolation of Israel, if you have not shed innocent blood!" According to our sources the rebuke was offered because Simeon had executed a single witness, whereas according to rabbinic law neither witness can be punished unless both are found guilty (Mishnah, Makkot 1, 7). It is said that Simeon executed the witness because he was anxious to carry out into practice the Pharisaic rule that a false witness can be punished even though the court has reversed its decision in time to prevent a wrongful execution. The story as thus interpreted involves a number of difficulties. First, it seems incredible either that Simeon should not have known such a rule as the one providing that a single witness cannot be punished unless both are proved guilty, or that, if he knew it, he should intentionally have violated it. The supposition that he did it "in order to tear out of the heart of the Sadducees" their erroneous conception of the law, seems hardly sufficient to account for what is apparently nothing short of judicial murder. At the same time it seems difficult, on the ordinary interpretation of the story, to account for Judah b. Tabbai's words, "May I not see the consolation of Israel, if you have not shed innocent

blood!" Certainly the blood was not innocently shed, since the witness had testified falsely. It was only for a technical reason that he could not be punished. Therefore under this interpretation, while on the one hand we cannot explain Simeon's highhandedness, no more can we understand Judah's words.

It seems to me probable that the case occurred before the establishment of the rabbinic rule that neither witness can be punished unless both are shown to have been guilty. Simeon was therefore within his rights in executing the witness who had given false testimony, even though there was no proof against his colleague. The difficulty lay rather in the fact that the person against whom he had testified had not yet been executed. He had been condemned to death by the decree of the court, but the new evidence impugning the testimony of the witnesses against him had been discovered in time to prevent his execution. Simeon nevertheless proceeded to execute the false witness, thus establishing the new rule that a witness can be punished for his false testimony, even if it led only to a wrong decision by the court and not to actual execution. Simeon was moved to give this new interpretation to the law because of the frequency of false testimony in his days. Compare his statement in Abot 1, 9, "Ask the witnesses many questions and be careful with your words lest from them they should learn how to give false evidence." We know also that Simeon's own son was executed on the testimony of false witnesses (Jer. Sanhedrin 6, 5, 23 a). He considered it a matter of important social policy to extend the law against false testimony in this way. That Simeon was capable of drastic action when he felt there was need for it, we know from the story of his execution of eighty women in Ashkelon (M. Sandedrin 6, 4), and from what Josephus tells us of the actions of the Pharisees in the days of Queen Alexandra, when Simeon was their leader (Ant. xiii. 16, 2). The Pharisees accepted the decision of Simeon, although from Judah's words we can see that there was objection to it, while the Sadducees rejected it as an innovation.

3. *The urban origin of Pharisaic literature.* — The hypothesis presented in this article is strengthened by the indica-

tions of urban origin which we meet as we glance through such early Pharisaic works as Daniel (written about 168–165 B.C.), the Book of Jubilees (c. 100 B.C.), and the Testaments of the Twelve Patriarchs (about the same time). It may not be very significant that Daniel opened his windows toward Jerusalem when he prayed (Dan. 6, 11), for that may have been a custom among the provincials of the Maccabaean period.[155] It is, however, relevant to point out that the central theme of Daniel's prayer (Dan. 9, 4–19) is the grief and shame of the city of Jerusalem, rather than that of Israel, the law, or even the temple. "For under the whole heaven," Daniel cries, "hath not been done as hath been done upon Jerusalem," and again, "O Lord, according to all thy righteousness I beseech thee, let thine anger and thy fury be turned away from thy city Jerusalem, thy holy mountain: because of our sins and for the inquities of our fathers Jerusalem and thy people are become a reproach to all that are about us." Note that Jerusalem is mentioned before the people whose city she was. In the writer's day the temple had been desecrated, and we might well understand his passion about that. But the city of Jerusalem had not suffered much more severely than the rest of Judaea. In looking into the future Daniel sees in the restoration primarily the rebuilding of the Holy City (Dan. 9, 25). Yet Judaea was not, it must be kept in mind, a mere city-state like Athens or Sparta. Although a small country, it was more than a single city. The author's preoccupation with Jerusalem betokens an interest which would be natural in one of its citizens.

Somewhat more definite are the urban indications in the Book of Jubilees. The city-dweller's point of view is frequently suggested by slight alterations introduced into the simple pastoral and agricultural tales of the Bible. For instance (Jubilees

[155] I believe, however, that turning to Jerusalem in prayer was rather a desideratum of the men of Jerusalem than a fact among the provincials. The Galilaean synagogues which have been unearthed, and which date from the second century of the Christian era, do not seem to have provided for turning to Jerusalem in prayer. It is true that in the prayer of King Solomon there is an indication that men should pray toward Jerusalem and the temple (1 Kings 8, 44. 48). But it is questionable whether that was always carried out in practice.

13, 14), Abraham is described as owning "sheep, cattle, asses, horses, camels, manservants, maidservants, and silver and gold exceedingly." In order to endow Abraham with this wealth the author had to combine two biblical verses and supplement them from his imagination. Genesis 12, 16 provides Abraham with "sheep, oxen, he-asses, men-servants, and maid-servants"; Genesis 13, 2 tells us that Abraham was "very rich in cattle, in silver and gold." But the writer of the Book of Jubilees adds to these also horses, although they would have been of no use either to a nomadic shepherd like Abraham or to a dweller in the rural districts. In saying that Abraham possessed them, the author transforms him from a pastoral chieftain of the plains of Mamre into a wealthy aristocrat of Maccabaean Jerusalem.[156]

Again, in telling of Abraham's quarrel with Lot the Book of Jubilees omits the contention among their shepherds. Not that the writer rejected the biblical version of the quarrel, but that sheep-tending was so distant from his urban point of view that he thought it unnecessary to include that detail.

What is perhaps more significant is that Abraham, the simple shepherd of the Scriptures, is made by the Maccabaean writer into a clever mechanic, something entirely unknown to the earlier sources. When Abraham was a young man, we are informed (Jubilees 11, 23), "he taught those who made implements for oxen, the artificers in wood, and they made a vessel above the ground, facing the frame of the plough in order to put the seed thereon, and the seed fell down therefrom upon the share of the plough and was hidden in the earth and they no longer feared the ravens" (who previously consumed the seed).

The same tendency to transform the patriarchs into artisans and mechanics appears again in the Testaments of the Twelve Patriarchs. The writer of this work makes Zebulun tell us that "he was the first to make a boat to sail upon the sea" (Test. Zebulun 6, 1); "he let down a rudder behind it, and stretched

[156] See also Genesis 32, 6 and 32, 15–16, where Jacob's wealth and his gifts to Esau are described; the omission of horses is significant. Compare also Job 1, 2.

out a sail upon another upright piece of wood in the midst." Such variations from the biblical story are most readily explained upon the hypothesis that the writer held technical work in high esteem, and hence that he was himself an artisan of the city. I doubt, however, whether the writer of the Testaments lived in Jerusalem; more probably his home was in a seacoast city.

In the Bible the story of Judah and Tamar is given the pastoral setting natural to it. Judah goes to shear his sheep at Timnah, and in Tamar's endeavor to win him she waits for him on the road which he must take. When, some time later, he sends his friend the Adullamite to recover the pledge he has given her, the "people of the place" deny any knowledge of a public woman in their neighborhood (Gen. 38, 12–21). Obviously the tale refers to a sparsely settled nomadic district rather than a city or even a town. In repeating the story the writer of the Testament of Judah is quite unaware of the conditions of the original incident. Judah meets Tamar in a city, and permits himself to be enticed by her "before multitudes" (Test. Judah 14, 5). It is probable from the emphasis on the city and the multitudes that these changes were made deliberately, but, intentional or not, they show that the author of the Testaments lived in an urban community.

This is further indicated by his fondness for artisan imagery. In describing the relation of God to man he says: "For as the potter knoweth the vessel, how much it is to contain, and bringeth the clay accordingly, so also doth the Lord make the body after the likeness of the spirit, and according to the capacity of the body doth he implant the spirit. And the one doth not fall short of the other by a third part of a hair, for by weight and measure and by rule was all creation made" (Test. Naphtali 2, 1–3).

In estimating such evidences of the urban origin of the Pharisees we must remember that these writers endeavored to conceal their own personality. They were pseudepigraphists, speaking behind the mask of forgotten patriarchs. So far as possible they try to imitate the biblical tone and expression.

Only for a moment, under the stress of excitement, do they forget that they are acting a part, and these instants are all that we have to help us gather their characteristics.[157]

[157] Perhaps to these various evidences from literature one should be added from the Mishnah, Hagigah 2, 7, where the Pharisees are contrasted with the 'am ha-arez: "The clothes of the 'am ha-arez are impure for Pharisees, those of the Pharisees for persons who eat terumah." The passage is most easily understood if we suppose that originally Pharisees meant townspeople, and 'am ha-arez peasants. As has been shown above (pp. 209–210), the peasants, living outside of Jerusalem, did not have to observe the laws of impurity. Their children grew up without any recognition of them. Even when an 'am ha-arez came to the capital, he could not suddenly accept a whole system of levitical laws which he had never seen observed in his village. He tended to ignore them, and was "suspected regarding purity." His clothes were therefore impure for the observant Pharisees who did adhere to the laws of impurity applying to the citizen of Jerusalem. On the other hand even such a Pharisee did not observe the more stringent laws of purity which the priests had to comply with; hence his clothes were impure for the priests.

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